9.

# THE TRYAL OF Sr Tho. Gaſcoyne Bar. FOR HIGH-TREASON,

In Conſpiring
The Death of the KING,
THE
Subverſion of the GOVERNMENT,
AND
Alteration of RELIGION,
On *Wedneſday* the 11th of *February* 1679.
At the Bar of the *KINGS BENCH*,
BEFORE
The Right Honourable
**Sir William Scroggs**
Lord Chief Juſtice,
And the reſt of the Judges of that Court.

*LONDON:*
Printed for *Tho. Baſſet*, and *Sam. Heyrick*; at the George in *Fleet-ſtreet*, and at Greys-Inne-gate in *Holborn*. 1680.

# THE TRYAL OF Sir Tho. Gaſcoyne Bar.

*On Saturday the* 24th *of* Jan. 1679, *Sir* Tho. Gaſcoyne *was brought to the Bar of the Court of* Kings-bench, *to be Arraigned for High-Treaſon; which was done accordingly in this manner.*

*Clerk of Crown.* SIr *Thomas Gaſcoyne*, hold up thy hand.
Sir *Tho. Gaſc.* I cannot hear.
*Clerk.* He ſaies he cannot hear.
*L. C. J.* Then ſome body muſt repeat it that ſtands by him.
*Mr. Recorder.* Do you hear what I ſay to you?
Sir *Tho. Gaſc.* No, I cannot hear, I am very deaf.

*Then the Clerk of the Crown went down cloſe to the Bar, and went on thus:*

*Clerk of Crown.* Sir *Thomas Gaſcoyne*, hold up thy hand. [*which he did.*] *Thou ſtandeſt indicted by the name of Sir* Thomas Gaſcoyne, *late of the Pariſh of* Elmett *in the* Weſt-riding *in the County of* York, *Bar. for that thou, as a falſe Traytor againſt our moſt Illuſtrious and excellent Prince King* Charles *the ſecond, thy natural Lord, not having the fear of God in thy heart, nor weighing the duty of thy Allegiance, but by the inſtigation of the Devil moved and ſeduced, the cordial love, and true, due, and natural obedience which true and faithful Subjects of our ſaid Lord the King ſhould bear to him, and of right are bound to bear, wholly withdrawing, deviſing,*

*and with all thy power intending to diſturb the Peace and common Tranquillity of this Realm, and to bring and put our ſaid Lord the King to death and final deſtruction; and the true Worſhip of God in this Kingdom, by Law eſtabliſhed and uſed, to alter unto the Superſtition of the Church of* Rome, *and to move and ſtir up War againſt our ſaid Lord the King in this Realm, and to ſubvert the Government of this Kingdom; The thirtieth day of* May, *in the one and thirtieth year of our ſaid Lord the King's Reign, at the Pariſh of* Barwick *in* Elmett *in the ſaid County of* York, *in the* Weſt-Riding *of the ſame County, with divers other falſe Traytors unknown, didſt trayterouſly compaſs, imagine, and intend the death and final deſtruction of our ſaid Lord the King; and to change and alter, and wholly to ſubvert the ancient Government of this Realm; and to depoſe, and wholly to deprive the King of the Crown and Government of this Kingdom; and to root out the true Proteſtant Religion. And to fulfil and accompliſh the ſame moſt wicked Treaſons and trayterous Imaginations and Purpoſes, the ſaid* Gaſcoyne, *and other falſe Traytors unknown, on the ſaid thirtieth day of* May, *in the one and thirtieth year aforeſaid, with Force and Arms,* &c. *at the Pariſh of* Barwick *aforeſaid, adviſedly, diveliſhly, malicioufly, and trayterouſly, did aſſemble, unite, and gather together themſelves, and then and there did deviliſhly, adviſedly, malicioufly, craftily, and trayterouſly conſult and agree to bring our ſaid Lord the King to death and final deſtruction, and to depoſe and deprive him of his Crown and Government, and to introduce and eſtabliſh the Religion of the Roman Church in this Realm. And the ſooner to fulfil and accompliſh the ſame moſt wicked Treaſons and trayterous Imaginations and purpoſes, thou the ſaid* Gaſcoyne, *and other unknown Traytors, then and there, adviſedly, malicioufly, and trayterouſly, did further conſult and agree to contribute, pay, and expend divers large ſums of money to divers of the King's Subjects and other perſons unknown, to procure thoſe perſons unknown trayterouſly to kill our ſaid Lord the King, and to introduce the Roman Religion into this Realm. And that thou the ſaid* Gaſcoyne *afterwards (to wit) on the ſaid thirtieth day of* May, *in the one and thirtieth year aforeſaid, at the Pariſh aforeſaid, didſt falſely, adviſedly, craftily, malicioufly, and trayterouſly, ſollicit one* Robert Bolron *to kill our ſaid Lord the King; and then and there, with an intent ſooner trayterouſly to encourage the ſaid* Bolron *to undertake the killing and murthering of our ſaid Lord the King, offeredſt therefore to give and pay the ſaid* Bolron *a thouſand pounds of lawful money of* England: *againſt the duty of thy Allegiance, againſt the Peace of our ſaid Lord the King, his Crown and Dignity, and againſt the form of the Statute in ſuch Caſe made and provided.* How ſayeſt thou, Sir *Thomas Gaſcoyne*, art thou guilty of this High-Treaſon whereof thou ſtandeſt indicted, and haſt been now arraigned, or not guilty?

*Sir*

*Sir Tho. Gaſcoigne. Gloria Patri, Filio & Spiritui Sancto*, I am no guiltie.

*Clerk of Crown.* Not guiltie, you muſt ſay.

*Sir T. Gaſc.* Not guiltie; nor any of my Familie were ever guiltie of any ſuch thing. I hope I ſhall be tryed fairly.

*Clerk of Crown.* How will you be tryed?

*Sir T. Gaſc.* By God and my Countrie.

*Clerk of Crown.* God ſend thee a good deliverance.

*Sir T. Gaſc.* I deſire, that in order to my Trial, I may have a Jurie of Gentlemen, of Perſons of my own Qualitie, and of my own Countrie, that may be able to know ſomething how I have lived hitherto; for I am above Fourſcore and five years old.

*L. C. J.* Tell him he ſhall have a good Jurie of Gentlemen of his own Countrie.

*Sir T. Gaſc.* And beſides, my Lord, I deſire to know when I ſhall be tried.

*Mr. Att. Gen.* Some time about the latter end of the Term, as ſoon as I can get a Jurie up.

*Sir T. Gaſc.* I do not know whether I can produce all my Witneſſes at that time, if there be not a longer time allowed me; for I have a great many Witneſſes to fetch up. Theſe Witneſſes muſt be all here, or I can't make my Defence; and I know not how they ſhall be got hither in ſo little time.

*L. C. J.* Tell him he may have what Witneſſes he pleaſes, and the aid of this Court to fetch them.

*Mr. Juſtice Dolben.* Name them who they are.

*Mrs. Ravenſcroft.* My Lord, ſome of his Witneſſes are at *Paris*.

*Mr. Juſtice Dolben.* Why, he will not be tried yet this fortnight.

*Mrs. Ravenſcroft.* They will not have time to come over between this and that.

*Mr. Juſtice Dolben.* Miſtriſs, he had reaſon to believe that he ſhould be tried ſome time this Term; for ſo the Council ordered it: and therefore he ſhould have got his Witneſſes ready.

*Mrs. Ravenſcroft.* My Lord, he did not know where they were till a week ago.

*Mr. Juſtice Dolben.* Look you, Mr. Attorney, here is a Ladie that is, I ſuppoſe, ſome Relation to this Gentleman.

*Mrs. Ravenſcroft.* He is my Grandfather, my Lord.

*Mr. Juſtice Dolben.* She ſaies a fortnights time will be too little to get his Witneſſes together for his Defence, becauſe ſome of the Witneſſes are beyond Sea at *Paris*, ſhe ſaies.

*Mr. Att. Gen.* My Lord, I am willing he ſhould have as long time as the Term will allow of: But ſure that is long enough to get any Witneſſes from *Paris*.

*L. C. J.* What ſay you to Sir *Miles Stapleton*? I ſee he is joyned in the Indictment.

*Mr. Att. Gen.* My Lord, he is not come up yet.

*L. C. J.* Will you trie the one without the other?

*Mr. Att. Gen.* Yes my Lord, if we cannot have both. He is in the hands of the Meſſenger at *York*. We have writ down to know the ſtate of his health to ſome of the Juſtices of the Peace, and the Meſſenger returns word, he is ſick and can't come. I have ſent down an *Habeas Corpus* to the Meſſenger to bring him up; let him return a *Languidus* at his peril: that's all I can do.

*L. Chief Juſt.* Well, what day do you appoint for Sir *Thomas* his Trial?

*Mr. Att. Gen.* Tueſday come fortnight I think will be a good day.

*Mr. Juſtice Dolben.* By that time, Miſtris, you may get your Witneſſes; you muſt ſend a Meſſenger on purpoſe.

*Mrs. Ravenſcroft.* But if the wind ſhould be contrarie, my Lord, and they cannot be brought over?

*Mr. Juſtice Dolben.* 'Tis not an uſual thing to have the winds long contrarie between *Dover* and *Caliee*.

*Mrs. Ravenſcroft.* But if it do fall out that he wants a material Witneſs at his Trial, I hope his life will be conſidered.

*Mr. Juſtice Dolben.* He ſhould have had them readie; he had warning before.

*Mrs. Ravenſcroft.* We cou'd do it no ſooner, becauſe we knew not where they were.

*Mr. Juſtice Dolben.* He ſaith, he hath a great many Witneſſes; are they all at *Paris*?

*Mr. Att. Gen.* There are a great many in Town we know alreadie.

*Mrs. Ravenſcroft.* If we had known when exactly, we might have been more readie perhaps.

*Mr. Att. Gen.* But we could give no notice ſooner; it is early in the Term now. But there is time enough to get any Witneſſes.

*L. C. J.* Aye, you may ſend to *Paris* a great many times between this and that.

*Mrs. Ravenſcroft.* What if the Letter miſcarry, my Lord?

*Mr. Juſtice Dolben.* Why, you muſt ſend a ſpecial Meſſenger.

*Mr. Att. Gen.* My Lord, if you pleaſe, let it be Wedneſday fortnight, the laſt day but one of the Term; becauſe I would give him as much time to provide himſelf as I can.

*Mr. Juſtice Pemberton.* Well, Miſtriſs, you muſt ſend a ſpecial Meſſenger; we muſt not conſult your conveniencie; do it as well as you can, you have time enough.

*Mr. Juſtice Dolben.* Your Grandfather is a man of an Eſtate, he may very well in this Caſe be at the charge of a ſpecial Meſſenger.

*Mrs. Ravenſcroft.* But what if the winds be contrarie, muſt my Grandfather's life be loſt?

*L. Chief Juſtice.* We muſt give you that favour we can by Law, and you muſt be content. Tell us at the Trial what you have done.

*Then the Lieutenant of the Tower was ordered to take the Priſoner back, and by rule to bring him to the Bar on Wedneſday the* 11th *of* February. *On which day the Priſoner being brought up, the Tryal proceeded thus:*

*Mr. Att. Gen.* My Lord, here is an extraordinarie matter: Sir *Thomas Gaſcoigne* had a Rule for ſome friend to aſſiſt him, by reaſon of the defect of his hearing; and now there are three of them that are got among the Jurie.

*L. C. J.* No, no, they muſt come in of the inſide of the Bar.

*Mr. Att. Gen.* Pray let him tell which he will make choice of; for he is by the Rule to have but one.

*Mr. Juſtice Pemberton.* Tell him there can but one ſtay.

*Counſel.* He ſaies one of them came out of the Countrie, and knows the perſons that are the Witneſſes, which he does not himſelf.

*L. Chief Juſtice.* Well, let the other come in, let him have them both.

*Counſel.* He ſaies, the principal man he depended upon, is clapt up.

*L. C. J.* Well, we can't help that.

*Then way was made for the Jury to come up to the Stand, and Proclamation for Information was made in uſual manner.*

*Clerk of Court.* Sir *Thomas Gaſcoign*, hold up thy hand.

*Sir T. Gaſc.* I cannot hear what is ſaid.

*Clerk of Crown.* Thoſe good men which were lately called, and have appeared, are to paſs, *&c.*

*L. C. J.* Tell him the effect of it. If he will make any Challenges to the Jurie, he muſt ſpeak before they are ſworn.

*Hobart.* If you will challenge any of the Jury, you muſt ſpeak to them before they are ſworn.

*Sir T. Gaſc.* I cannot hear who is called.

*L. C. J.* Tell him who is called.

*Clerk of Crown.* Sir *Thomas Hodſon.*

*Hobart.* This is Sir *Thomas Hodſon*, Sir.

*Sir T. Gaſc.* What muſt I ſay? Aye, or No?

*Hobart*

*Hobart.* Do you except againſt him?

*Sir T. Gaſc.* No. *Who was ſworn.*

*Clerk of Crown. Richard Beaumont* Eſq;

*Hobart.* Do you challenge him, Sir?

*Sir T. Gaſc.* No.

*Mr. Att. Gen.* Pray, my Lord, here is Sir *John Cutler* in the Pannel, one that lives in Town, and is the Fore-man of the Jurie; I deſire the Court to take notice of his not appearing in particular.

*Clerk of Crown. John Gibſon* Eſq; *The Priſoner challenged him.*

*Mr. Serj. Maynard.* I perceive they ſkip a great many; pray call them as they are in the Pannel, and record their Non-appearance in Court.

*Which was done accordingly; but their Names that did not appear, for brevitie ſake, are omitted.*

*Clerk of Crown. Nicholas Maleverer* Eſq;

*Mr. Att. Gen.* We challenge him for the King. I perceive the beſt Gentlemen ſtay at home.

*Mr. Serj. Maynard.* Yes, 'tis ſo ſmall a buſineſs.

*Clerk of Crown. Beckwith* Eſq; (*Challenged by the Priſoner.*
*Stephen Wilks* Eſq; (*Sworn.*
*Matthew Prince* Eſq; (*Challenged by the Priſoner.*
*Thomas Graver* Eſq; (*Challenged by him.*
*Jervas Rockley* Eſq; (*Sworn.*
*William Walker* Eſq; (*Challenged by the Priſoner.*
*John Dimmocke* Eſq; (*Challenged by him.*
*Samuel Jenkinſon* Eſq; (*Challenged by him.*
*Robert Leeke* Eſq; (*Sworn.*
*William Batt* Eſq; (*Sworn.*
*Richard Burton* Eſq; (*Challenged by the Priſoner.*
*Robert Auby* Eſq; (*Challenged by him.*
*Charles Beſt* Eſq; (*Sworn.*
*Robert Long* Eſq; (*Challenged by the Priſoner.*
*John Croſſe* Eſq; (*Sworn.*
*Barton Allett* Eſq; (*Sworn.*
*William Milner* Eſq; (*Sworn.*
*John Oxley* Eſq; (*Sworn.*
*Francis Oxley* Eſq; (*Sworn.*

*Clerk of the Crown.* Cryer, count theſe.

Sir

Sir *Thomas Hodſon*,
*Richard Beaumont*,
*Stephen Wilks*,
*Jervas Rockley*,
*Robert Leeke*,
*William Batt*,
} Jur. {
*Charles Beſt*,
*John Croſſe*,
*Barton Allett*,
*William Milner*,
*John Oxley*, and
*Francis Oxley*.

*Cryer.* Twelve, good men and true, ſtand together and hear your Evidence.

*Clerk of the Crown.* Sir *Thomas Gaſcoigne*, hold up thy hand. Gentlemen, you of the Jurie that are ſworn, look upon the Priſoner, and hearken to his Charge. You ſhall underſtand, that he ſtands indicted by the name of Sir *Thomas Gaſcoigne* late of the Pariſh of *Elmet*, &c. *Prout in the Indictment mutatis mutandis.* Upon this Indictment he hath been arraigned, and thereunto pleaded Not guiltie; and for his Trial hath put himſelf upon his Countrie; which Countrie you are, *&c.*

*Then Proclamation for Evidence was made, and* Dormer *Eſq; of Counſel for the King in this Cauſe, opened the Indictment, thus:*

Mr. *Dormer.* May it pleaſe your Lordſhip, and you, Gentlemen of the Jurie, Sir *Thomas Gaſcoigne* Baronet, the Priſoner at the Bar, ſtands indicted for high Treaſon, in conſpiring the Murder of his Majeſtie, the Subverting of the Government, and the introducing the Romiſh Religion. And for the effecting theſe purpoſes, the Indictment ſets forth, That the ſaid Sir *Thomas Gaſcoigne*, Sir *Miles Stapleton*, and other falſe Traytors, the 30th of *May* laſt, at the Pariſh of *Elmet* in the *Weſt-riding* of the Countie of *York*, did aſſemble together, and there reſolved to put their Treaſons in execution. And the better to accompliſh their ſaid Treaſons and traiterous Imaginations, they did agree to contribute ſeveral large ſums of money to ſeveral of his Majeſties Subjects unknown, to introduce Poperie, to kill the King, and ſubvert the Government: And that Sir *Thomas Gaſcoigne* did ſollicit *Robert Bolrond* to kill the King, and for that ſervice he was to pay him 1000 *l.* To this he hath pleaded Not guiltie: if the Kings Evidence prove the Charge of the Indictment, your dutie is to finde him guiltie.

*Mr. Serj. Maynard.* May it pleaſe your Lordſhip, and you, Gentlemen of the Jurie, you have heard the Indictment, and it hath been opened to you. There can be no greater Crime charged upon any, than that this Gentleman is accuſed of. The deſigne hath been to kill and murder the King, to change the Religion and the Government; and to effect this, they make Aſſemblies, they offer

Money: and this, my Lord, we ſhall prove. 'Tis no new Crime, divers have ſuffered for the like alreadie; and we ſhall not need to make any aggravations, for indeed it cannot be aggravated more than the plain matter it ſelf is. We ſhall call our Witneſſes, and prove it directly upon him, even by two Witneſſes; and we ſhall prove, that he held intelligence with one *Preſwicke* a Prieſt; Letters between him and that perſon are found in his cuſtodie, and we ſhall produce one of them wherein it does appear, that there was Intelligence between them, and Conſultations had about the Oath of Allegiance; and that *Praud* did write to him, that it was a damnable Oath condemned by the Sorbonniſts: And upon that point hangs the changing of Religion; for the Oath of Allegiance is the great Touchſtone to diſcover mens ſinceritie by, and the great Bond to tie them to the Government, and to the Proteſtant Religion. And we ſhall likewiſe prove another Paſſage in a Letter indorſed with the Priſoner's own hand, wherein there is an expreſſion to this purpoſe: *That if* England *be converted*, (the Prieſt writes this to him) *then how a ſum of Ninety pound was to be diſpoſed:* which was, as you ſhall hear, and we ſhall prove, in a Nunnery. *If* England *be converted*, that clearly ſhews what was their intention, not onely to deſtroy the King, but the Religion and the Nation; and ſo they were conſpiring not onely againſt his Majeſtie, but againſt God. That an old Gentleman that hath lived ſo long under the peace of this Nation, and been ſo protected by the Government, which hath been ſo indulgent to men of his perſwaſion, ſhould be guiltie of ſuch a deſigne, is a lamentable thing to think of; That he ſhould ſo offend the Law, which hath been ſo milde in its execution againſt ſuch men. We ſhall prove the proffer of the 1000 *l.* and ſo leave it with you.

*Mr. Att. Gen.* My Lord, theſe two Papers we ſhall uſe in confirmation of that Evidence will be given by two Witneſſes, who I think will concur in the ſame thing; that is, the conſpiracie for killing the King, and for the carrying on of the Plot. The Papers the Witneſſes will expound to you; the one is a Letter, as Mr. Serjeant hath opened it to you, to Sir *Thomas Gaſcoigne* from a Prieſt, wherein he does diſcourſe about 90 *l.* a year at *Maunſton*, which Sir *Thomas* had purchaſed to ſettle upon a Nunnery called *Dolebank* in *York-ſhire*; and therein it is ſaid, *You will be well adviſed to put in a Proviſo into the former Writing* (he meant for the Settlement) *That if* England *be converted, the* 90 l. *a year ſhall be beſtowed at* Heworth *or ſome other place in* Yorkſhire. Your Lordſhip will hear by the Witneſſes, that there were ſeveral places deſigned for theſe Nuns to inhabit, as *Dolebank* and other places; and this Letter will concur with their Evidence, and they will prove, that this very place that they ſpeak of, was deſign'd for this purpoſe; and ſo it appears by the Papers taken in Sir *Thomas Gaſcoigne*'s cuſtodie. My Lord, there is another Letter which was mentioned, and which I believe may have a great influence in the Cauſe, I am ſure it may be

be likely to produce very bad effects, which is that Letter from the Prieſt, wherein he decries the Oath of Allegiance as a damnable thing condemned by the Doctrines at *Sorbonne*, and other Prieſts from *Rome*. And this had its effect a little time before; for it was about the time that a matter of thirty or forty were convicted of a *Præmunire* in that Countie, for not taking the Oath of Allegiance, which they uſed to do before. And there will be ſome other concurring Evidence in this Cauſe, and that is by ſome Papers taken in Sir *Thomas Gaſcoigne*'s own hand; they are Almanacks, in which many of his own Memorials are, ſeveral ſums of money mentioned to be paid, and returned to Prieſts at *London*: the Witneſſes will tell you it was returned for the deſigne of the Plot. There happens to be 900 *l.* returned to Mr. *Corker*, who is now in Newgate; and ſome other ſums to *Harcourt*, who is executed; and ſome money is paid to him, though I think not much, about 25 *l.* and ſeveral ſums are mentioned, and great ſums returned to *London* by Sir *Thomas Gaſcoigne*, in five or ſix years time, 5 or 6000 *l.* to what purpoſe I can't tell; they will give you an account: I think he did live always in *York-ſhire* himſelf, never uſed to come to Town; and what occaſion he might have of returning money, I don't know. We will call the two Witneſſes *viva voce*, and then uſe the other Evidence as we ſhall have occaſion to confirm them. Call Mr. *Bolrond* and Mr. *Mombray*.

*Who were ſworn.*

*Mr. Att. Gen.* Mr. *Bolrond*, tell my Lord and the Jurie what you know of Sir *Thomas Gaſcoigne*.

*Mr. Bolron.* My Lord, and you, Gentlemen of the Jurie, I came to live with Sir *Thomas Gaſcoigne* in the year 1674, as Steward of his Cole-works; and in the year 1675, a little before *Eaſter*, being in the next Room to Sir *Thomas Gaſcoigne*, I did hear *Charles Ingleby* and Sir *Thomas* in diſcourſe together, and Sir *Thomas* did ſay, he was very fearful his Eſtate would be liable to be forfeited to the King ——

*L. C. J.* In 75 was this?

*Mr. Bolron.* Yes, my Lord.

*L. C. J.* What time in 75?

*Mr. Bolron.* A little before *Eaſter*.

*L. C. J.* Were you in the Room?

*Mr. Bolron.* I was in the next Room, and the door was not ſhut; and Sir *Thomas* did ſay ——

*Mr. Att. Gen.* Tell the diſcourſe, what it was.

*Mr. Bolron.* He ſaid he was reſolved to make a colluſive conveyance of his Eſtate, for fear it ſhould be forfeited to the King. And *Charles Ingleby* ſaid, it was beſt ſo to do: and then he told Sir *Thomas* he wou'd have the Defeazance made ready, which he would draw with his own hands; but he bid him be ſure to bring none but Proteſtant Witneſſes along with him to teſtifie. And in the year 1675 I did go along with Sir *Thomas Gaſcoigne* to Sir *William Ingleby*'s of *Ripley*, and there I did ſee him receive colourably 1000 *l.*

*L. C. J.* How do you know it was colourably?

*Mr.*

*Mr. Bolron.* I did hear Sir *Thomas* tell *Charles Ingleby* ſo.

*L. C. J.* When was that?

*Mr. Bolron.* The 7th or 8th of *April*; the Deed bears the 8th of *April* 1675.

*L. C. J.* Was *Charles Ingleby* there at that time?

*Mr. Bolron.* Yes, when the Deed was ſealed; and he read it in the preſence of the Witneſſes to be dated at that time.

*Mr. Juſtice Dolben.* What, that thouſand pound was the conſideration of the Deed?

*Mr. Bolron.* Yes, it was. Sir *Thomas Gaſcoigne* did part thereby with all his Eſtate for ſeven years, he allowing him 100 *l.* a year for his maintenance, beſides the 1000 *l.* at firſt paid. And this was done with that intent, for fear he ſhould be diſcovered in the Plot for killing the King——

*L. C. J.* How do you know that?

*Mr. Bolron.* I did hear Sir *Thomas Gaſcoigne* and Sir *Miles Stapleton* diſcourſe of it, and he ſaid it was for that end.

*L. C. J.* Where was that diſcourſe?

*Mr. Bolron.* In Sir *Tho. Gaſcoigne's* Bed-chamber.

*Mr. Juſtice Jones.* When was that?

*Mr. Bolron.* It was in or about the diſcovery of the Plot.

*L. C. J.* But you ſay you ſaw the Deed ſealed.

*Mr. Bolron.* Yes, I was a Witneſs to it.

*L. C. J.* And you ſaw the money paid?

*Mr. Bolron.* I and one *Matthias Higgringill* did help to count it.

*Mr. Juſtice Jones.* Were you a Proteſtant at that time?

*Mr. Bolron.* Yes, my Lord, I was at the time of the ſealing the Deed; but I did hear the diſcourſe between Sir *Miles Stapleton* and Sir *Thomas Gaſcoyne* upon the diſcoverie of the Plot, when I was a Papiſt.

*L. C. J.* When was the diſcourſe you ſpeak of with Sir *Miles Stapleton*, do you ſay?

*Mr. Bolron.* It was about the diſcoverie of the Plot.

*L. C. J.* After the money paid?

*Mr. Bolron.* Yes, after the money paid: And he ſaid to Sir *Miles Stapleton*, he had done well to make over his Eſtate.

*L. C. J.* That is an abrupt thing for him to ſay; how did he begin the diſcourſe?

*Mr. Bolron.* They were diſcourſing about the diſcoverie of the Plot by Dr. *Oates* and Mr. *Bedloe*; and then Sir *Thomas Gaſcoyne* ſaid to Sir *Miles Stapleton*, I have done well to make over my Eſtate to Sir *William Ingleby*, to prevent a forfeiture.

*L. C. J.* What ſaid Sir *Miles Stapleton*?

*Mr. Bolron.* I do not know what he ſaid, very well.

*L. C. J.* You ſeemed but now, as if he had ſaid he was in the Plot.

*Mr. Juſtice Jones.* Did he own he was in the Plot?

*Mr.*

*Mr. Bolron.* Yes.

*L. C. J.* When?

*Mr. Bolron.* At ſeveral times.

*Mr. Serjeant Maynard.* Tell the manner how he was concerned.

*Mr. Bolron.* My Lord, in the year 1676, I did hear Sir *Thomas Gaſcoyne* ſay to one *Chriſtopher Metcalfe*, that he was reſolved to ſend 3000 *l.* to the Jeſuits in *London* for the carrying on of the Deſigne.

*L. C. J.* What time in 76?

*Mr. Bolron.* The beginning of the year 76.

*L. C. J.* To whom did he ſay ſo?

*Mr. Bolron.* To one *Chriſtopher Metcalfe.*

*L. C. J.* Were you a Papiſt then?

*Mr. Bolron.* Yes.

*L. C. J.* When came you firſt to be a Papiſt?

*Mr. Bolron.* About *Whitſontide*, 75.

*Mr. Juſtice Jones.* You are a Proteſtant now?

*Mr. Bolron.* Yes, my Lord, I am ſo.

*L. C. J.* When did you turn Proteſtant again?

*Mr. Bolron.* I turned Proteſtant upon the diſcovery of this buſineſs.

*L. C. J.* When?

*Mr. Bolron.* Either the beginning of *May*, or the latter end of *June.*

*L. C. J.* To whom did he ſpeak it?

*Mr. Bolron.* To *Chriſtopher Metcalfe*, who then lived in his houſe.

*L. C. J.* What ſaid he?

*Mr. Bolron.* He ſaid, he was to ſend 3000 *l.* to the Jeſuits in *London*, for the carrying on of this Deſigne.

*L. C. J.* Who was in the Room beſides?

*Mr. Bolron.* None but Sir *Thomas Gaſcoyne* and *Metcalfe.*

*L. C. J.* Where is that *Metcalfe?*

*Mr. Bolron.* He is ſince dead I think.

*L. C. J.* What diſcourſe had they about the Deſigne?

*Mr. Bolron.* They were diſcourſing about it when I came in; and I remember he mentioned 300 *l.* for *Corker*, 300 *l.* for *Harcourt*, and 300 *l.* for *Cornwallis*; and the reſt by 300 *l.* apiece to other Perſons.

*Mr. Att. Gen.* What name did *Cornwallis* go by beſides?

*Mr. Bolron. Pracid*, my Lord.

*Mr. Att. Gen.* That's the name that is to the Letter.

*Mr. Juſtice Pemberton.* Well, what do you know more?

*Mr. Bolron.* My Lord, Sir *Thomas Gaſcoyne* told this *Chriſtopher Metcalfe*, that he would return it by 300 *l.* at a time, to prevent ſuſpition, by the hands of *Richard Phiſicke*; and about the beginning of the year 77, I did hear Sir *Thomas Gaſcoyne* ſay, that he had

returned it, and that if it had been a thouſand times as much, he would be glad to ſpend it all in ſo good a Cauſe.

*L. C. J.* Did he ſay he had returned all the 3000 *l.*?

*Mr. Bolron.* Yes.

*L. C. J.* Did he tell you how it was to be diſpoſed of?

*Mr. Bolron.* It was to be diſpoſed among the Jeſuits for the carrying on of the deſigne.

*L. C. J.* That was in the general; but this 900 *l.* you ſpeak of, was to thoſe three Prieſts.

*Mr. Bolron.* Yes.

*Mr. Juſtice Jones.* You ſay he reſolved to ſend 3000 *l.* to the Jeſuits at *London* about this deſigne; pray what was the deſigne? what did they ſay about the Plot at that time?

*Mr. Bolron.* My Lord, at other times I have heard them ſay, it was for killing the King.

*L. C. J.* What ſaid *Metcalfe* to all this?

*Mr. Bolron.* He did allow of it, and thought it was the beſt way ſo to do. I have ſeen him return ſeveral ſums by *Richard Phiſicke.*

*Mr. Juſtice Dolben.* Was *Metcalfe* a Papiſt?

*Mr. Bolron.* Yes, and he died ſo, as I have heard.

*L. C. J.* Was you in the Room when they firſt began the diſcourſe?

*Mr. Bolron.* No, my Lord, I came in when they were diſcourſing.

*L. C. J.* You came in when they were talking, you ſay; but they did not ſtop talking becauſe you came in?

*Mr. Bolron.* No, my Lord, becauſe I knew of it. I was brought in by one *Ruſhton*, who was acquainted with the Plot, to know of it, and therefore they did not ſtop when I came in.

*L. C. J.* You ſay, he ſaid, I will return 3000 *l.* to the Jeſuits in *London:* did he ſay in what time he would ſend that 3000 *l.*?

*Mr. Bolron.* No, but in 76 he ſaid he would do it.

*L. C. J.* And it ſhould be employed for carrying on of the deſigne?

*Mr. Bolron.* Yes, thoſe were the words.

*L. C. J.* And in 77 you heard him talk with *Metcalfe* again, and then he ſaid, if it had been a thouſand times as much, he would have ſent it?

*Mr. Bolron.* Yes.

*L. C. J.* Was no body there but he, Sir *Thomas Gaſcoyne*, and you?

*Mr. Bolron.* No body elſe.

*L. C. J.* Then go on now with your Evidence.

*Mr. Bolron.* My Lord, in the year 77 ſeveral Gentlemen did meet and aſſemble together at *Barnbow*-hall in the County of *York*, Sir *Thomas Gaſcoyne*'s houſe; and their reſolution was this: That they would build a Nunnery at *Dolebank*, in caſe that their deſigne and Plot of killing the King ſhould take effect, and the Ro-

man

man Catholick Religion be eſtabliſhed in *England*; upon which account the Company there preſent did reſolve they would loſe their Lives and Eſtates to further it. And Sir *Thomas Gaſcoyne* did conclude he would give 90 *l.* a year for ever for the maintenance of this Nunnery: upon which, they all agreed, that after his death he ſhould be canonized a Saint.

*L. C. J.* Who were theſe Gentlemen?

*Mr. Bolron.* Sir *Miles Stapleton*, *Charles Ingleby*, Eſquire *Gaſcoyne*, my Lady *Tempeſt*, *Thomas Thwing*, Sir *Walter Vavaſor*, Sir *Francis Hungatt*, and *Robert Killinbeck* a Jeſuit, and *William Ruſhton* a Romiſh Prieſt.

*Mr. Juſtice Pemberton.* Is he dead?

*Mr. Bolron.* No, he is fled beyond Sea.

*L. C. J.* Who elſe?

*Mr. Bolron.* Theſe are the perſons I can remember at preſent.

*L. C. J.* There was a woman there, you ſay?

*Mr. Bolron.* My Lady *Tempeſt*, my Lord, and one *William Ruſhton*, if you had not him before.

*Mr. Juſtice Dolben.* That was your Confeſſor?

*Mr. Bolron.* Yes, and engaged me in the Plot.

*Mr. Juſtice Pemberton.* What was your diſcourſe? pray tell that.

*Mr. Bolron.* The diſcourſe was upon eſtabliſhing a Nunnery at *Dolebank*, in hopes that the Plot of killing the King would take effect; the intention was to alter the Government, and introduce the Romiſh Religion.

*L. C. J.* Who was it ſaid this?

*Mr. Bolron.* It was ſpoken by Sir *Thomas Gaſcoyne* and the reſt of the Gentlemen.

*L. C. J.* In their diſcourſe?

*Mr. Bolron.* Yes.

*L. C. J.* Did they ſpeak of killing the King?

*Mr. Bolron.* Yes, my Lord, Sir *Francis Hungatt* ſaid it ſeveral times.

*L. C. J.* How? upon what account?

*Mr. Bolron.* They were mutually reſolved, and they would talk that they would venture their Lives and Eſtates in hopes the Plot would take effect; and accordingly about *Michaelmas* 1677, or near upon as I remember——

*L. C. J.* How long ſtaid they there?

*Mr. Bolron.* About ſix or ſeven hours.

*L. C. J.* Were you with them in the Room ſtill?

*Mr. Bolron.* My Lord, I was ſometimes in the Room, and ſometimes out. What diſcourſe I heard, I tell you; there was one *Barloe*——

*L. C. J.* What was that *Barloe*?

*Mr. Bolron.* I have had two Orders of Council for the ſeizing of him, and never could take him; he is a Prieſt.

*L. C. J.*

*L. C. J.* Was he by?

*Mr. Bolron.* He went with them to take poſſeſſion of the Nunnery.

*L. C. J.* Was he not in the houſe?

*Mr. Bolron.* No, not in the Room at that time.

*L. C. J.* Was there any ſervant by in the Room, when this diſcourſe was?

*Mr. Bolron.* No.

*L. C. J.* Well, go on.

*Mr. Bolron.* Accordingly Sir *Tho. Gaſcoyne* did erect a Nunnery about the year 77, at *Dolebank*.

*L. C. J.* What, built it?

*Mr. Bolron.* He eſtabliſhed it.

*L. C. J.* Who were the Nuns?

*Mr. Bolron.* Mrs. *Laſhalls* was Lady Abbeſs, Mrs. *Beckwith* and Mrs. *Benningfield*, were her Aſſiſtants, *Ellen Thwing*, *Eliz. Butcher*, and others, were Nuns, according as I heard Sir *Tho. Gaſcoyne* ſay: And when they went by Sir *Tho. Gaſcoyne*, when one *Mary Root* was taking horſe, Sir *Tho. Gaſcoyne* ſaid of her, There goes an old Maid and a young Nun.

*L. C. J.* Whither were they going then?

*Mr. Bolron.* To take poſſeſſion of the Nunnery.

*L. C. J.* Was it a new-built houſe?

*Mr. Bolron.* They called it a Nunnery in hopes their Plot would take effect.

*L. C. J.* Was it an old or new-built houſe?

*Mr. Bolron.* Nay, I never ſaw it.

*L. C. J.* Where abouts was this houſe?

*Mr. Bolron.* It was neer *Ripley*.

*L. C. J.* What, was that *Ripley* his houſe?

*Mr. Bolron.* No, his houſe is at *Barmbow*.

*L. C. J.* Who did it belong to?

*Mr. Bolron.* They went thither till the buſineſs was done, and that was onely till the King was killed, and afterwards they reſolved to reſide at *Heworth*.

*L. C. J.* How long ſtaid they there?

*Mr. Bolron.* They lived in this place neer a year and an half.

*L. C. J.* Till the Plot was diſcovered?

*Mr. Bolron.* Yes.

*Mr. Juſtice Jones.* How do you know they lived there?

*Mr. Bolron.* I have ſeen ſeveral times Letters come from their hands.

*Mr. Juſtice Jones.* How do you know they came from thence?

*Mr. Bolron.* The Letters were dated from *Dolebank*.

*L. C. J.* Did he let them lie open?

*Mr. Bolron.* Sometimes he did.

*L. C. J.* What was in them?

*Mr. Bolron.* I don't know any of the Particulars; there was no great matter in them.

*L. C. J.*

*L. Ch. Juſt.* Who writ them?

Mr. *Bol*: The name that *I* ſaw was *Pracid* or from Mrs. *Laſhals.*

Mr. *Attor. Gen.* They, or ſome of them.

L. *Ch. Juſt.* You do not know whoſe Houſe it was?

Mr. *Bol.* No, my Lord, not I.

*L. Ch. Juſt.* Where is *Heworth* Hall?

Mr. *Bol. Heworth* Hall is about half a mile off of *York.*

Mr. *Juſt. Dolben.* Does not that belong to one Mr. *Dawſon?*

Mr. *Bol.* It did, but it was bought of him.

Mr. *Attor. Gen.* What other place did you hear him mention?

Mr. *Bol. Broughton*, my Lord, but I never knew that any were there.

*L. Ch. Juſt.* Nor at *Heworth* Hall?

Mr. *Bol.* Yes, my Lord, ſometimes one and ſometimes the other; ſome of them came to *Heworth* Hall, and ſome to *Dolebank*, but *Dolebank* was the place they did generally reſide at. And then Sir *Thomas* did eſtabliſh ninety pounds a year which was purchaſed of Mr. *Timothy Malevorer*, and *Alver Aloſtus* enjoyes it.

*L. Ch. Juſt.* How much was it?

Mr. *Bol.* Ninety pounds a year.

*L. Ch. Juſt.* Where does it lie?

Mr. *Bol.* It lies at a place called *Mawſon* near Sir *Tho. Gaſcoynes* houſe.

*L. Ch. Juſt.* Did he ſay he had ſealed ſuch a Conveyance?

Mr. *Juſt. Dolben.* I ſuppoſe he bought it of *Dawſon?*

Mr. *Bol.* He bought it of *Maleverer.*

*L. Ch. Juſt.* Is *Maleverer* a Proteſtant?

Mr. *Bol.* Yes, my Lord.

*L. Ch. Juſt.* Where is he?

Mr. *Bol.* I can't tell.

Mr. *Juſt. Jones.* You did not ſee the Conveyance of it your ſelf ſealed?

Mr. *Bol.* No, I refer to their words for that.

Mr. *Juſt. Jones.* To what purpoſe was it bought?

Mr. *Bol.* To eſtabliſh a Nunnery.

Mr. *Juſt. Pemberton.* And they told him he ſhould be canonized for a Saint when he died?

Mr. *Bol.* Yes, my Lord.

*L. Ch. Juſt.* Well go on then.

Mr. *Bol.* My Lord, about *March* laſt, to the beſt of my remembrance, Sir *Thomas Gaſcoyne*, and Eſquire *Gaſcoyne* being in their Chamber together, I was reading a Book, called *The Lives of the Saints*, and Eſq; *Gaſcoyne* told Sir *Thomas*, that he had been before the Juſtices of the Peace, and they had given to him and Mr. *Middleton* licenſe to go up to *London*, which mentioned, that in conſideration that there was a Suit in Law between *James Nelthorp* Eſquire, and Sir *Thomas Gaſcoyne*, therefore it permitted the ſaid *Thomas Gaſcoyne* Eſq; and his Man to travel peaceably to *London*. And I did hear the other Copy read of Mr. *Middletons* licenſe to travel into the South, and for his occaſion into the South parts was pretended to receive ſome Rents there. But I did hear Eſq; *Gaſcoyne* ſay to Sir *Thomas*, that he was reſolved as ſoon as he came to *London*, and had done with Mr. *Nelthorp* that he would fly into *France* & ſo would cheat the Juſtices, for he was reſolved

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*L. Ch. Juſt.* Where is *Heworth* Hall?

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Mr. *Bol.* It did, but it was bought of him.

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*L. Ch. Juſt.* How much was it?

Mr. *Bol.* Ninety pounds a year.

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Mr. *Bol.* It lies at a place called *Mawſon* near Sir *Tho. Gaſcoynes* houſe.

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Mr. *Juſt. Dolben.* I ſuppoſe he bought it of *Dawſon?*

Mr. *Bol.* He bought it of *Maleverer.*

*L. Ch. Juſt.* Is *Maleverer* a Proteſtant?

Mr. *Bol.* Yes, my Lord.

*L. Ch. Juſt.* Where is he?

Mr. *Bol.* I can't tell.

Mr. *Juſt. Jones.* You did not ſee the Conveyance of it your ſelf ſealed?

Mr. *Bol.* No, I refer to their words for that.

Mr. *Juſt. Jones.* To what purpoſe was it bought?

Mr. *Bol.* To eſtabliſh a Nunnery.

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Mr. *Bol.* Yes, my Lord.

*L. Ch. Juſt.* Well go on then.

Mr. *Bol.* My Lord, about *March* laſt, to the beſt of my remembrance, Sir *Thomas Gaſcoyne*, and Eſquire *Gaſcoyne* being in their Chamber together, I was reading a Book, called *The Lives of the Saints*, and Eſq; *Gaſcoyne* told Sir *Thomas*, that he had been before the Juſtices of the Peace, and they had given to him and Mr. *Middleton* licenſe to go up to *London*, which mentioned, that in conſideration that there was a Suit in Law between *James Nelthorp* Eſquire, and Sir *Thomas Gaſcoyne*, therefore it permitted the ſaid *Thomas Gaſcoyne* Eſq; and his *Man* to travel peaceably to *London.* And I did hear the other Copy read of Mr. *Middletons* licenſe to travel into the South, and for his occaſion into the South parts was pretended to receive ſome Rents there. But I did hear Eſq; *Gaſcoyne* ſay to Sir *Thomas*, that he was reſolved as ſoon as he came to *London*, and had done with Mr. *Nelthorp* that he would fly into *France* & ſo would cheat the Juſtices, for he was reſolved

not to come back to *York-ſhire* again, but he would commit the deſign in agitation into ſuch hands as would do it, and would not fail, but he would not ſtay to ſee execution.

*L. Chief Juſt.* You heard him ſay ſo?

Mr. *Bol.* Yes, I did.

*L. Chief Juſt.* What ſaid Sir *Thomas*?

Mr. *Bol.* He commended his Sons and Mr. *Middleton's* Reſolutions.

*L. Chief Juſt.* What Room was it in?

Mr. *Bol.* It was in Sir *Thomas* own Chamber.

*L. Chief Juſt.* Was there any Rooms near it?

Mr. *Bol.* None that they could hear in, unleſs in the Chamber within, I don't know whether any one was there or no.

*L. Chief Juſt.* Could they hear in no Room that was near to them?

Mr. *Bol.* Yes in the Chamber within.

*L. Chief Juſt.* Was there no Servant there?

Mr. *Bol.* Not as I know.

*L. Chief Juſt.* My reaſon is, becauſe he muſt ſpeak very loud to make his Father hear him.

Mr. *Bol.* Yes he did, for I heard him in the Chamber Window that I ſtood in againſt them, they were are a little way off me.

*L. Chief Juſt.* Becauſe if any of the Servants were near, methinks they muſt needs be very Cautious how they ſpoke ſo loud to make Sir *Thomas Gaſcoyne* hear.

Mr. *Bol.* My Lord, he was not ſo deaf then as they ſay he is, and he ſeems to be now. And Eſq; *Gaſcoyne* alſo becauſe he would be ſure there ſhould no damage come to him cauſed all his goods to be ſold off his ground, and Mr. *Middleton* ſold his very houſhold goods.

*L. Chief Juſt.* He is a Papiſt too, is he not?

Mr. *Bol.* Yes he is ſo.

*L. Chief Juſt.* Was not he at the meeting with Sir *Miles Stapleton*?

Mr. *Bol.* Yes, Mr. *Middleton* was one.

*L. Chief Juſt.* You did not name him before.

Mr. *Juſt. Pember.* But he ſaid a great many were there beſides thoſe he named.

Mr. *Juſt. Dol.* Yes he did ſo. Well go on Sir.

Mr. *Bol.* My Lord laſt 30th of *May*, the day after Holy *Thurſday* as I remember, being in Sir *Thomas Gaſcoynes* own Chamber, Sir *Thomas Gaſcoyne* bid me go into the Gallery next to the Prieſts Lodgings, and after a little time one *William Ruſhton* my Confeſſor, came to me, and asked me if I was at the laſt *Pontefret* Seſſions. I told him yes, and that I had taken the Oath of Allegiance as others had done, whereupon the ſaid *Ruſhton* told me, that I and all the others were damned for ſo doing if we kept the ſame. Therefore he bid me be ſure to come next *Sunday* to have abſolution from him, for it was a damnable ſin to take that Oath, and he told me he had power from the Pope to abſolve me, and he added, that few Prieſts had that Power that he had.

*L. Chief Juſt.* Did he make you confeſs that as a ſin to him?

Mr. *Bol.* No, my Lord, for I did make the diſcovery ſoon after.

*L. Chief Juſt.* When was it you firſt turned Proteſtant?

Mr. *Bol*, In

Mr. *Bol.* In *June*, my Lord, after that.

*L. Chief Juſt.* Then you were not a Proteſtant at that time?

Mr. *Bol.* No, my Lord.

*L. Chief Juſt.* Where you a Papiſt when you took the Oath of Allegiance?

Mr. *Bol.* Yes, my Lord, I was.

*L. Chief Juſt.* Why would not you then go and be abſolved according as your Prieſt bid you?

Mr. *Bol.* I thought I had done nothing that was evil, becauſe ſeveral had taken the Oath with me as you ſhall hear afterward.

*L. Chief Juſt.* Well go on.

Mr. *Bol.* I told him that ſeveral others had done, as well as I, that were Papiſts, and they judged it lawful, whereupon he ſaid, *Away*, and told me I was a fool, and knew not how to judge of an Oath.

*L. Chief Juſt.* So you were ſatisfied the Papiſts might take the Oath?

Mr. *Bol.* My Lord, I told him I thought it was no ſin to take that Oath, becauſe it was an Oath only to be true to my King and to my Country, and I told him that Mr. *Ellis* Prieſt to Mr. *Vauaſor* had written comentaries upon the Oath and juſtified the taking of it. Said he again, Mr. *Ellis* was a fool and his Superiors will call him to an accompt, and check him for his paines. But ſaid he by taking the Oath you have denyed the power of the Pope to abſolve you from it, but I tell you he hath a power to depoſe the King and had done it: and ſaid he, you will merit heaven if you will kill him.

*L. Chief Juſt.* Who ſpoke to you?

Mr. *Bol. Ruſhton* my Lord ſaid, it was a meritorious Act to kill the King.

*L. Chief Juſt.* But did Sir *Thomas Gaſcoyne* or any of the Company wiſh you to do that thing?

Mr. *Bol.* Not at that meeting, but afterwards Sir *Thomas* did, my Lord, if you will give me leave to go on.

*L. Chief Juſt.* What did he ſay?

Mr. *Bol.* He told me he would aſſiſt me in the Act.

*L. Chief Juſt.* Who?

Mr. *Bol. Ruſhton* did. And he told me the Pope had granted him the power, that I ſhould have the benefit of abſolution if I would do it. I deſired him not to perſwade me to do ſuch a thing, for I would have no hand in it; then he quoted a certain place of Scripture to me which was, thou ſhalt bind their Kings in Fetters and their Princes in Chaines. Whereupon he concluded, and made this expoſition, that the Pope had depoſed the King, and abſolved all his Subjects, and it was a meritorious Act to kill the King. And that unleſs the King would turn Roman Catholick the Pope would give away his Kingdomes to another?

*L. Chief Juſt.* Well go on.

Mr. *Bol.* Then I told him I would have no hand in that Act and deed, whereupon he anſwered me again, you may hang me if you pleaſe for ſpeaking theſe words. No Sir, ſaid I, I will do you no injury if you do your ſelf none. So he bid me conſider what he ſaid, and come to him againe, but I did not.

*L. Chief Juſt.* This was the 30th of *May*?

Mr. *Bol.* Yes, and the ſame day as ſoon as I came down, I was told Sir *Thomas Gaſcoyne* had left order with his Servants that I ſhould not depart the houſe till he came in, and I ſtay'd there till about ſix of the Clock.

*L. Chief Juſt.* Did not you live with him then?

Mr. *Bol.* I lived a little way off the houſe.

*L. Chief Juſt.* How far?

Mr. *Bol.* About a Quarter of a mile.

*L. Chief Juſt.* Were you not his Servant?

Mr. *Bol.* No, my Lord, not at that time.

Mr. *Juſt. Jon.* How long had you been gone out of his ſervice before?

Mr. *Bol.* I went out of his ſervice about the beginning of *July* 1678.

Mr. *Juſt. Pember.* Did Sir *Thomas Gaſcoyne* ſend you into this Gallery?

Mr. *Bol.* Yes, my Lord.

Mr. *Juſt. Pember.* And there you found *Ruſhton*?

Mr. *Bol.* My Lord, he was not there when I came, but he came as it were from Chappel,

*L. C. J.* You were his Servant when all the Gentlemen met at his houſe?

Mr. *Bol.* Yes, my Lord, I was.

*L. Chief Juſt.* When did you leave his ſervice ſay you?

Mr. *Bol.* The firſt day of *July* 1678.

*L. Chief Juſt.* And this was in *May* 1678. was it not?

Mr. *Bol.* No in (79) my Lord, laſt *May*. My Lord I watched and ſtayd till he came in, and took him as he came in. I went up ſtayers with him, and when we came into his Chamber he calls me to him, and asked me what diſcourſe had paſſed between me and *Ruſhton*; I told him our diſcourſe was concerning the Oath of Allegiance, and the lawfulneſs, or unlawfulneſs of it. Then Sir *Thomas Gaſcoyne* took me by the hand, and told me, well man if thou wilt undertake a deſigne that I and others have to kill the King, I will give thee 1000. l. and I will ſend thee to my Son *Thomas*, if he be in Town, but if he be not in Town, he ſaid he would give me ſuch Inſtructions that I ſhould find the reſt that were concerned in the buſineſs. ——

*L. Chief Juſt.* The reſt, what?

Mr. *Bol.* The reſt that were in the Plot.

*L. Chief Juſt.* That you ſhould know where to find them in *London*, you mean ſo?

Mr. *Bol.* Yes, my Lord, if he were gone beyond Sea.

*L. Chief Juſt.* What ſaid you to him?

Mr. *Bol.* My Lord, I told him I would have no hand in blood, and would not do ſuch a wicked deed, and deſired him to perſwade me no more. Then he deſired me of all love to keep ſecret what he had ſaid. But afterwards I recollected that it was a very ill thing, and went immediately to the Juſtices of the Peace. ——

*L. Chief Juſt.* How ſoon did you go?

Mr. *Bol.* Soon after.

*L. Chief Juſt.* To whom did you go?

Mr. *Bol.* To Mr. *Tindal* a Juſtice of Peace, and to Mr. *Normanton*.

*L. Chief Juſt.* Did you make an Oath there?

Mr. *Bol.* Yes, that Sir *Thomas* promiſed me 1000. *l*

*L. Chief Juſt.* And for what purpoſe?

Mr. *Bol.* For Killing the King.

*L. C. J.* Did

*L. Chief Juſt.* Did you put that in the Oath you made?

Mr. *Bol.* Yes, my Lord.

*L. Chief Juſt.* What time was this after the diſcourſe?

Mr. *Bol.* It was about a week or ſuch a time.

L. *Chief Juſt.* Was it the next day?

Mr. *Bol.* No.

L. *Chief Juſt.* Was it within a a fortnight?

Mr. *Bol.* Yes, I believe it was my Lord.

L. *Chief Juſt.* Was it not a month?

Mr. *Bol.* No it was not above a fortnight, for Sir *Thomas Gaſcoyne* was apprehended in *July* or thereabouts I believe my Lord.

L. *Chief Juſt.* But was that the firſt time that Sir *Thomas* ever ſpake to you to kill the King the 30th of *May*?

Mr. *Bol.* Yes, my Lord.

Mr. *Juſt. Jon.* You ſay you left Sir *Thomas* ſervice in *July* 1678?

Mr. *Bol.* Yes, the firſt day of *July*.

L. *Chief Juſt.* How did you leave him in good friendſhip?

Mr. *Bol.* Yes, my Lord in very good friendſhip.

Mr. *Juſt. Jon.* Were you in good Correſpondence?

Mr. *Bol.* I always went to his houſe to hear Maſs, and oftentimes was there.

L. *Chief Juſt.* How came you to leave his ſervice?

M. *Bol.* It was my own fault I left it.

L. *Chief Juſt.* Why, it might be no fault neither. But why did you leave it?

Mr. *Bol.* My Lord, it was becauſe there was one *Henry Addiſon*, and *Bennet Johnſon* did ſeek to take my work and ſervice out of my hands. Sir *Thomas Gaſcoyne* did deſire me to let them come in to ſee what they could do, and that I ſhould have my Sallary, and that I ſhould gather in his Debts; I was willing to be rid of it, and told him they that looked after the Pit ſhould gather in the Debts, for I conceived elſe it would be but a double Charge to him.

Mr. *Juſt. Dol.* This is only how he left Sir *Thomas* his ſervice, Sir *Thomas* thought the other men could do it better then he, and ſo ſaid he then let them do your whole work.

Mr. *Juſt Jon.* But he ſays he did uſually reſort to the houſe after he had left his ſervice to hear Maſs.

Mr. *Juſt. Dol.* They will ask him ſome Queſtions, 't may be.

L. *Chief Juſt.* Had you any Eſtate of your own when you left Sir *Thomas* ſervice?

Mr. *Bol.* Yes: I had a Farme I rented of Sir *Thomas Gaſcoyne.*

L. *Chief Juſt.* What Rent?

Mr. *Bol.* 15. *l.* and a Mark a year, after I was married.

L. *Chief Juſt.* When were you married?

Mr. *Bol.* In *July* (75) But afterwards I was there, and did ſtill ſervice.

Mr. *Attorn. Gen.* I think you have ſome eſtate of your own beſides that.

Mr. *Bol.* Yes, *I* have 7. *l.* a year.

Mr. *Attorn. Gen.* Well, will you for Sir *Thomas* ask him any Queſtions?

Mr. *Rab.* No.

L. *Chief Juſt.* Mr. *Bolron*, pray what did the Juſtice ſay to you when you made this Oath?

*Mr. Bol.* My Lord, thus, I was resolved to come to *London*, and make my Confession here, and desired I might so do, whereupon one of the Justices were unwilling, but at last they said, I might do what I would.

*L. Ch. Just.* You say Justice *Tindal* it was sworn before, what did he say when you made the Oath?

Mr. *Bol.* My Lord, as I remember, he said, he must give the Council an account of it, and perhaps he should not have an answer of it in a moneth after, so I thought it was better to come to *London*, and make a speedy dispatch of the business, for I did not know but the Priests in the mean time might escape.

*L. C. J.* But did Mr. *Tindal* do nothing upon that Oath that was made?

Mr. *Bol.* Yes, he did make out his Warrant for the apprehending of one.

*L. C. J.* Did he not make out a Warrant for the apprehending of Sir *Thomas Gascoyne*?

Mr. *Bol.* My Lord, I think they would have done it, but I desired I might come to the Council.

Mr. *Just. Pembert.* How long after came you there?

Mr. *Bol.* As soon as I could get ready.

*L. C. J.* What time came you thither?

Mr. *Bol.* My Lord, I sent out upon Monday and came hither to *London* upon Wednesday.

*L. C. J.* Do you know what moneth it was in?

Mr. *Bol.* In *June* it was, I think.

*L. C. J.* And who did you come and apply your self to in *London*, when you came there?

Mr. *Bol.* My Lord, I had a Letter directed from Mr. Justice *Tindal* to his brother *Tindal* in *London* to carry me to the Council. I chanced to lose this Letter at *Ware*, and losing it there, I came to the green Dragon in *Bishopsgate* Street, *I* was acquainted with the Man of the House and having told him some of my business, he carryed me before Sir *Robert Clayton*, and than we went to my Lord of *Shaftsbury* President of the Council, and presently got an Order of the Council about me.

*L. C. J.* How long was this after Dr. *Oates* discovery? when did *Oates* and *Bedloe* make their discovery?

Mr. *Just. Pembert.* This was a long time after, in *May* last.

Mr. *Just. Jones.* Did Mr. *Tindal* take your Examination in Writing?

Mr. *Bol.* He took a short thing in Writing.

*Mr. Just. Jones.* Did you set your hand to it?

*Mr. Just. Pembert.* He resolved to go to the Council and tell them.

Mr. *Bol.* I was not willing to tell the Justices all, for *I* had a mind to go to the Council.

Mr. *Just. Jones.* But you told them the great matter of all, Sir *Thomas*'s profier to give you 1000 *l.* to kill the King.

Mr. *Bol.* Yes.

Mr. *Just. Jones.* Had you a Lease of your Farm under Sir *Thomas Gascoyne*?

Mr. *Bol.* It was but a Lease parol.

Mr. *Just. Jones.* For how long?

Mr. *Bol.* For nine years.

Mr. *Babbington.* May *I* have leave to ask him any Questions?

*Court.* Yes, yes, you may.

Mr. *Babbing.* You say you had a Lease of the Farm, a Lease parol.

Mr. *Bol.* Yes, *I* had so.

Mr. Serj.

Mr. Ser. *Mayn.* Council muſt not be allowed in matter of fact my Lord.

*L. Chief Juſt.* But Brother, this man hath made a long Narrative.

Mr. Ser. *Mayn.* Ay, and a ſhrew'd one too.

*L. Chief Juſt.* His Evidence is very great, and Sir *Thomas Gaſcoyne* does not hear any one word.

Mr. *Bol.* One thing more I would ſpeak to. It was in *September* 1678 a little before the diſcovery of the Plot, I did hear Sir *Thomas Gaſcoyne* ſay, and tell my Lady *Tempeſt*, that he would ſend 150 l. to *Dolebanke* in hopes the blow would be given ſhortly.

Mr. Ser. *Mayn.* That is the ſame word uſed by all the Witneſſes.

*L. Chief Juſt.* When was this?

Mr. *Bol.* In *September* (78) the Plot was not known by us to be diſcovered then, as I know of.

*L. Chief Juſt.* Who did he ſpeak it to?

Mr. *Bol.* To his Daughter the Lady *Tempeſt*.

*L. Chief Juſt.* What ſaid ſhe?

Mr. *Bol.* She ſeemed to like it very well, I did not hear any thing to the contrary. And I heard a Letter read afterwards from *Cornwallis* that he had received it, but it was too little for the carrying on ſo great a deſigne.

*L. Chief Juſt.* Who is *Cornwallis*?

Mr. *Bol.* And it was for the arming the poor Catholicks when the blow ſhould be given.

*L. Chief Juſt.* Is his Daughter living?

Mr. *Attorn. Gen.* Yes, ſhe is out under bayle.

Mr. *Recor.* My Lord, I ſhall deſire to ask but one Queſtion which concerns the Priſoners at the Bar. How long after the diſcourſe that you had with the Prieſt in the Gallery was it that Sir *Thomas Gaſcoyne* ſpoke to you of the ſame thing?

Mr. *Juſt. Pem.* Mr *Recorder*, if you ask him but one Queſtion let it not be that which he hath anſwered before, he ſays the ſame day.

Mr. *Hob.* I deſire to ask him one Queſtion.

Mr. *Juſt. Pem.* No, tell Sir *Thomas* firſt what he hath ſaid, and ſee if he will ask any Queſtions.

Mr. *Hob.* Sir *Thomas*, here is Mr *Bolron* hath given Evidence againſt you, will you ask him any Queſtions?

Mr. *Juſt. Pem.* Read your Minutes to him.

Then Mr. *Hobart* repeated the firſt part about his coming to Sir *Thomas Gaſcoyne's* ſervice and the Colliery Conveyance.

Mr. *Juſt. Jon.* Ask him if he will ask any Queſtions upon this part, (*which he did*)

Sir *Tho. Gaſ.* No, tis no great matter at all, for it is true, when twas I can't tell, there was ſomething I did ſeal to Sir *William Ingleby*, and ſome mony I had of him.

Then Mr. *Hobart* repeated his ſaying to *Metcalf* he would ſend 3000. *l.* to the Prieſts in (76)

Sir *Tho. Gaſ.* How comes that, I deny that utterly.

Mr. *Bol.* Tis all true that I have ſaid by the Oath that I have taken.

Sir *Tho. Gaſ.* There is no ſuch thing at all.

Mr. *Hob.* He ſays, it was returned by Mr *Phiſick*.

Sir *Tho. Gaſ.* *Phiſick* was a Servant to me, and he returned ſome mohey for me ſometimes, but it was all for my Children, my Sons, and my Daugh-

ters and my Kinſpeople, to whom I paid Annuities, but 'tis a far greater ſum n the whole than 3000*l.* and for one great ſum of 1000*l.* you know how it was diſpoſed of.

Mr. *Hob.* He ſays that in the beginning of 77, you ſaid you had returned this 3000*l.* to *London*, and if you had 1000 times as much you would give it for ſo good a Cauſe.

Sir *Tho. Gaſc.* I never ſaid any ſuch thing, never thought of any ſuch thing in my Life.

L. *Ch. Juſt.* Now tell him of the meeting at *Barmbow.*

Mr. *Hob.* He ſays in the year (77) there were ſeveral Gentlemen met at your houſe at *Barmbow.*

*L. Ch. Juſt.* Name them (*which he did.*)

Mr. *Hob.* Theſe were all together with you.

Sir *Tho. Gaſc.* No ſuch matter at all.

Mr. *Hob.* And he ſays all theſe perſons did diſcourſe with you about the eſtabliſhing a Nunnery at *Dolebanke*, and another at *Heworth*, and another at *Braughton.*

Sir *Tho. Gaſc.* Not one word of all this is true.

L. *Ch. Juſt.* Tell him what he ſaid concerning killing the King.

Mr. *Hob.* He ſays that the Nunnery was eſtabliſhed at *Dolebanke*, and ſuch and ſuch were Nuns.

Sir *Tho. Gaſc.* He may ſay what he will, but not one word of all this is true.

Mr. *Juſt. Dolb.* But you skip over the main thing what the Gentlemen reſolved upon at that meeting.

Mr. *Hob.* He ſays theſe Gentlemen did reſolve the buſineſs ſhould go on for the killing of the King, and that they would venture their Lives and Eſtates for it.

Sir *Tho. Gaſc.* I never heard of any ſuch thing as killing the King, Sir, did I ever ſay any ſuch thing?

Mr. *Bolr.* It was in your own dining Room, and in your own Chamber.

Mr. *Juſt. Pemb.* He did not ſay ſo, I think, about their meeting.

L. *Ch. Juſt.* Yes, he ſays, they all met at his houſe, and there they had diſcourſe of killing the King. *In* what Room was it?

Mr. *Bolr. In* the old Dining Room.

Sir *Tho. Gaſc. I* deny it utterly. There was no ſuch thing. Some perſons might be at ſeveral times at my houſe, but no ſuch meeting, nor words at all at one time or other.

Then Mr. *Hobart* told him of Mr. *Gaſcoines* and Mr. *Middletons* Licenſes to go to *London*, and intention to go to *France.*

Sir *Tho. Gaſc.* 'Tis very true my Son did go to *London* for that end.

M. *Hob.* And ſo Mr. *Middleton* upon pretence of receiving Rent.

Sir *Tho. Gaſc. I* cannot tell about Mr. *Middleton*,

Mr. *Hob.* He ſays your Son would immediately fly into *France*, and commit the deſign into other hands, and you ſaid you approved of it, and this he heard you diſcourſe very plainly.

Sir *Tho. Gaſc.* But *I* plainly deny it all.

Mr. *Hob.* He ſays you bid him go up (the 30*th.* of *May*) to the Gallery to Mr. *Ruſhton.*

L. *Ch. Juſt.*

*L. C. J.* No, not to him, but when he was in the Gallery *Ruſhton* came to him.

Then Mr. *Hobart* repeated the Diſcourſe with *Ruſhton* about the Oath of Allegiance.

*L. C. J.* You need not tell him what *Ruſhton* ſaid.

Mr. *Juſt. Dolben.* Yes, my Lord, it is convenient.

Mr. *Bolron.* For I told him our Diſcourſe about the Oath of Allegiance my ſelf.

Then *Hobart* repeated Sir *Thomas*'s further Diſcourſe and Proffer to him.

Sir *Tho. Gaſcoyne.* There is nothing of all this true. He might come there and talk with any body, for what I know, but I was not with him.

*L. C. J.* But ask him what he ſays to this, that he proffered him 1000 *l.* to kill the King? (which he did.)

Sir *Tho. Gaſcoyne.* Where ſhould you be paid it?

Mr. *Bolron.* I would not undertake the Deſign.

Sir *Tho. Gaſcoyne.* Did you ever know I was Maſter of 200 *l.* together in my Life?

Mr. *Bolron.* Yes.

*L. C. J.* Tell him he ſayes he would not undertake it, and therefore it was in vain to appoint where.

Sir *Tho. Gaſcoyne.* I utterly deny it all, upon my Life; that's e'en juſt like the reſt, I never heard it before.

*L. C. J.* He puts it to you, whether ever you ſaw him have 200 *l.* together?

Mr. *Bolron.* I have ſeen 500 *l.* at a time in the Houſe, and I have ſeen in *Phiſwick*'s hand 700 *l.* (which was repeated to him.)

Sir *Tho. Gaſcoyne.* What *Phiſwick* might have of other mens moneys I do not know, he never had ſo much money of mine.

Mr. *Bolron.* My Lord, Sir *Tho. Gaſcoyne* I believe had at that time, at leaſt 1200 *l.* a year of his own Eſtate. (which was repeated to him.)

Sir *Tho. Gaſcoyne.* I wiſh he would make it good.

Mr. *Bolron.* My Lord, 'tis true enough, I believe he hath ſetled ſome Eſtate upon his Son, about 600 *l.* a year.

*L. Chief. Juſt.* I can't tell what becomes of the Papiſts Eſtates, nor how the Prieſts drain them, but there are men of very great Eſtates among them, but they are greatly in Debt.

Mr. *Hobart.* Will you ask Mr. *Bolron* any Queſtions?

Mr. *Juſt. Jones.* You have not repeated to him one part of the Evidence, that in *September* (78.) he ſaid to my Lady *Tempeſt* he would ſend 150 *l.* to *Dolebank*, in hopes the blow would be given ſhortly. (which was then repeated.)

Sir *Tho. Gaſcoyne.* I know no ſuch thing at all. There is not one word of all this true.

Mr. *Hobart.* Will you ask him any Queſtions or no?

Sir *Tho. Gaſcoyne.* I know not what Queſtions to ask, but where the money ſhould be paid?

*L. C. J.* That can be no Queſtion, for the thing was never undertaken.

Mr. *Attorn. Gen.* Then pray, Mr. *Mowbray*, tell your knowledge.

Mr. *Mowbray*. My Lord, and you Gentlemen of the Jury, I came to Sir *Tho. Gaſcoyne*'s in the beginning of the year 1674.

*L. C. J.* Were you his Servant?

Mr. *Mowbray*. Yes, my Lord, but never an hired Servant.

*L. C. J.* In what quality did you ſerve him?

Mr. *Mowbray*. In his Chamber, my Lord, and continued with Sir *Thomas* until 76, in which time I did obſerve Mr. *Thomas Addiſon* a Prieſt, *Fincham* a Prieſt, *Stapleton* a Prieſt, *Killingbecks* a Prieſt, and *Thwing* the elder, and the younger, ſeveral times to viſit and confer with Mr. *William Ruſhton*, Sir *Tho. Gaſcoyne*'s Confeſſor.

*L. Ch. J.* Were you a Papiſt then?

Mr. *Mowbray*. Yes, I was.

*L. C. J.* Are you one now?

Mr. *Mowbray*. No.

*L. C. J.* Well, go on then.

Mr. *Mowbray*. I being very diligent in attending Mr. *Ruſhton* at the Altar, I became in great favour with him, and was permitted to be in the Chamber when the Prieſts were in private with him, and I heard them often talk and Diſcourſe of a Deſign laid for ſetting the Popiſh Religion uppermoſt in *England*, and how like the ſame was to take effect in a ſhort time.

*L. C. J.* Who did ſpeak it?

Mr. *Mowbray*. The Prieſts in private with Mr. *Ruſhton*. I ſpeak now, my Lord, of the Plot in general, I come to Sir *Thomas Gaſcoyne* anon.

*L. C. J.* When? in what year was this Diſcourſe?

Mr. *Mowbray*. In 1676.

*L. C. J.* Well, what ſaid they?

Mr. *Mowbray*. Why, they diſcourſed concerning the ſetting up the Popiſh Religion in *England*, and how like the ſame was to take effect, and ſucceed, in regard that moſt of the conſiderable Papiſts in *England* had engaged to act for it, and if it could not be done by fair means, force muſt be uſed; and particularly declared, that *London* and *York* were to be fired.

*L. C. J.* In (76?)

Mr. *Mowbray*. Yes.

*L. C. J.* What? would they fire it again?

Mr. *Mowbray*. And I heard them often ſay, that the King in Exile had promiſed them ——

*L. J. C.* Did they ſay the City was to be fired the ſecond time?

Mr. *Mowbray*. Yes, to further their intention.

Mr. *Serj. Maynard*. It was effected in *Southwark*.

Mr. *Mowbray*. And they did alſo declare, That the King when he was in his Exile had promiſed the Jeſuits beyond Sea to eſtabliſh their Religion, whenever he was reſtored, which they now deſpaired of, and therefore he was adjudged an Heretick, and was to be killed.

*L. C. J.* Who did ſay this?

Mr. *Mowbray*. The Prieſts.

*L. C. J.* Who was the Heretick?

Mr. *Mowbray*. The King. Alſo I did hear Mr. *William Ruſhton* tell *Addiſon* and the reſt of the Prieſts ——

*L. C. J.* Do

*L. C. J.* Do you know which of the Prieſts ſaid the King was to be killed?

Mr. *Mowbray.* It was *Ruſhton*. *Ruſhton* and *Addiſon* were together, and he did declare to Mr. *Addiſon*, that according to Agreement he had given the Oath of Secreſie and the Sacrament to Sir *Thomas Gaſcoyne*, Eſquire *Gaſcoyne*, his Son, my Lady *Tempeſt*, his Daughter, and Mr. *Stephen Tempeſt*, and had communicated the whole Deſign to them.

*L. J. C.* Were you by, when he ſaid this?

Mr. *Mowbray.* Yes, in his Chamber.

*L. C. J.* How long after the Diſcourſe of the Prieſts was this?

Mr. *Mowbray.* My Lord, he told them he had done it according to Agreement before; and they did approve of it, and had ſeverally engaged to be Active, Faithful, and Secret, and would do to the utmoſt of their powers, as far as their Eſtates would permit, to eſtabliſh the *Roman* Catholick Religion in *England*. And about *Michaelmas* 1676. there was another meeting of theſe Prieſts, and others; where they declared, That the King was an Heretick, and that the Pope had Excommunicated him, and all other Hereticks in *England*, *Scotland*, and *Ireland*, and that Force was to be made Uſe of.

Mr. *Juſt. Dolben.* When was that, Sir?

Mr. *Mowbray.* About *Michaelmas* 1676.

Mr. *Juſt. Jones.* You were his Servant then?

Mr. *Mowbray.* Yes, my Lord. And then did *Ruſhton* produce a Liſt of Names, of about four or five hundred, and he read them over, all of whom, he ſaid, were engaged in the Deſign, and he did read the Names of Sir *Tho. Gaſcoyne*, Tho. *Gaſcoyne* Eſq; my Lady *Tempeſt*, Mr. *Vavaſor*, Sir *Francis Hungaſt*, Sir *John Savile*, the two *Townleys*, Mr. *Sherborne*, and others.

*L. Chief Juſt.* Did you ſee this Liſt?

Mr. *Mowbray.* I ſaw ſeveral Subſcriptions to it, and amongſt the reſt I ſaw Sir *Tho. Gaſcoyne*'s own hand.

*L. C. J.* Do you know it?

Mr. *Mowbray.* Yes, very well.

*L. C. J.* And upon the Oath you have taken, do you believe that was his hand to the Liſt?

Mr. *Mowbray.* Yes, my Lord, I do believe it was his hand.

*L. Chief Juſt.* Did you know any other hands? Don't you know his Son's hand?

Mr. *Mowbray.* No, nor any but Sir *Tho. Gaſcoyne*'s.

*L. C. J.* It was in ſeveral hands, was it not?

Mr. *Mowbray.* Yes, it ſeemed to me to be ſo.

*L. C. J.* What did they ſubſcribe to do?

Mr. *Juſt. Pemberton.* This was in 77?

Mr. *Mowbray.* No, it was about *Michaelmas* 1676.

*L. C. J.* What was it for?

Mr. *Mowbray.* The Title of it was, as I remember, *A Liſt of them that are engaged in the Deſign of Killing the* King, *and promoting the* Catholick Religion.

*L. C. Juſt.* Was that writ on the Top?

Mr. *Juſt. Pemberton.* They were words, I ſuppoſe, to that effect.

Mr. *Mow-*

Mr. *Mowbray.* Yes, it was to that effect, my Lord.

*L. C. J.* Was it mentioned in the Liſt, *for Killing the King?*

Mr. *Mowbray.* Yes. And then they declared alſo, That the Pope had given Commiſſion to put on the Deſign, and proſecute it as quick as they could, and that he had given a Plenary Indulgence of 10000 yeats for all thoſe that ſhould Act either in Perſon or Eſtate for killing the King, and ſetting up the *Romiſh* Religion in *England*, beſides a Pardon and other Gratifications. And ſo much As to the Plot in general. Now, my Lord, I come to the particulars as to the Priſoner at the Bar, Sir *Tho. Gaſcoyne.* About *Michaelmas* 1676. much about that time, there was Sir *Tho. Gaſcoyne* and his Son, my Lady *Tempeſt*, and *Ruſhton* the Prieſt together, where I heard them hold ſeveral Diſcourſes of this Deſign about killing the King, and firing the Cities of *London* and *York*; and Sir *Tho. Gaſcoyne* did declare and aſſure Mr. *Ruſhton*, that he would not ſwerve from what he had ſaid, but would keep to the Oath of Secrecy he had given him, and that he would do to the uttermoſt of his Power for the killing the King, and the Eſtabliſhment of Popery.

*L. C. J.* Were you in the Room?

Mr. *Mowbray.* I ſtood cloſe at the door, where I heard very well, the door was not quite ſhut.

*L. C. J.* They did not know you were there?

Mr. *Mowbray.* No.

*L. C. J.* They would not truſt you with it then?

Mr. *Mowbray.* They did not know I was there. And they did unanimouſly conclude, that it was a meritorious Undertaking, and for the good of the Church, and they would all venture their Lives and Eſtates in it.

*L. C. J. Ruſhton* was there, was he not?

Mr. *Mowbray.* Yes, *Ruſhton* was there: and Dr. *Stapleton*, a Prieſt, coming from another Door, and finding me at the door, went in and deſired them to ſpeak lower, for there was one at the door. Whereupon my Lady *Tempeſt* called me in, and ordered me to go below and entertain ſome ſtrangers. So much for the particulars concerning Sir *Tho. Gaſcoyne.*

Mr. *Juſt. Pemberton.* Was Sir *Miles Stapleton* there at that time?

Mr. *Mowbray.* Yes, he was there.

*L. C. J.* Where?

Mr. *Mowbray.* In an Upper Room.

*L. C. J.* Who were by?

Mr. *Mowbray.* Mr. *Gaſcoyne*, and the Prieſt, and my Lady *Tempeſt.*

*L. C. J.* This is all you ſay.

Mr. *Mowbray.* Yes, ſo far as to the particulars of this matter.

Mr. *Serj. Maynard.* Have you any more to ſay?

Mr. *Mowbray.* No, no more but theſe particulars, unleſs ſome Queſtions be asked.

Then *Hobart* began to repeat this Evidence to Sir *Tho. Gaſcoyne*, how he came to be his Servant.

Sir *Tho. Gaſcoyne.* He came as a Boy to me, without hiring.

Then Mr. *Hobart* repeated the Prieſts Diſcourſe at *Ruſhton*'s.

Sir *Tho. Gaſcoyne.* I deny it all.

*L. C. J.* He

*L. C. J.* He was not preſent, this was a Diſcourſe among themſelves.

Then *Hobart* told him about the Oath of Secreſie and the Sacrament.

Sir *Tho. Gaſcoyne.* No, there is no ſuch thing, there is not a word of it true.

*L. C. J.* Then tell him of the Liſt. (Which was done.)

Sir *Tho. Gaſcoyne.* 'Tis a moſt impudent Lye.

Mr. *Hobart.* What ſay you to your Hand being to that Liſt?

Sir *Tho. Gaſcoyne.* Not one word of it.

Mr. *Hobart.* But he ſayes 'twas your Name to it.

Sir *Tho. Gaſcoyne.* He had a pair of Spectacles on ſure that could ſee any thing. Was it a printed Liſt, or a written one?

Mr. *Mowbray.* It was written, your Name was put to it, with your own hand-writing. (Which was told him.)

Sir. *Tho. Gaſcoyne.* He makes what he will.

Then Mr. *Hobart* repeated *Ruſhton's* declaring that he had given him the Sacrament of Secreſie.

Sir. *Tho. Gaſcoyne.* I'll warrant you he hath gotten this Oath of Secreſie out of the News Books, for I never heard of it before. Let me ask thee? Didſt thou ever hear it before you came to *London*?

Mr. *Mowbray.* Yes, Sir *Thomas*, I did.

Mr. *Hobart.* But will you ask him any Queſtion?

Sir. *Tho. Gaſcoyne.* No; it is all falſe he ſpeaks, not a word of Truth comes out of his Mouth.

Mr. Serj. *Maynard.* My Lord, We will now go on to another piece of our Evidence.

Sir *Tho. Gaſcoyne.* I muſt leave it to the Jury to take notice of their Converſations and mine.

Mr. Serj. *Maynard.* Whereas he ſays he was never owner of 200 *l.* together, we will produce his own Almanack under his own hand.

*L. J. C.* Do it, and we will ſhew it him, and ſee what he ſayes to it.

Sir *Tho. Gaſcoyne.* Why did not he diſcover it before?

Mr. *Hobart.* If your Lordſhip pleaſe, Sir *Thomas* deſires he may be asked why he did not diſcover it before?

Mr. *Mowbray.* Becauſe the Papiſts did threaten me at ſuch a rate, and I, being a ſingle Perſon againſt them, durſt not.

*L. C. J.* When did you firſt diſcover it?

Mr. *Mowbray.* It was about *Michaelmas* laſt. The Papiſts did threaten me, that if I did diſcover it they would take my Life away.

*L. Chief Juſt.* When did you turn Proteſtant?

Mr. *Mowbray.* When the Plot broke out, then I took the Oaths of Allegiance and Supremacy.

*L. C. J.* Why did you not diſcover it as ſoon as you turned Proteſtant?

Mr. *Mowbray.* My Lord, I was not in a condition to make any Friends, or come up to *London* upon ſuch an account; beſides, my Lord, they did threaten me; and particularly after the Plot was come out, *Addiſon* did threaten me.

*L. C. J.* But this was a great while before the Plot broke out.

Mr. *Juſt. Dolben.* So long he continued a Papiſt, and then he would not diſcover.

Mr. *Mowbray*. This *Addiſon* was often with me, and he flatter'd me, and made me continue a Papiſt, leaſt I ſhould diſcover it.

*L. C. J.* Where is he now?

Mr. *Mowbray*. He is fled.

*L. C. J.* What ſaid *Addiſon* when you did turn Proteſtant?

Mr. *Mowbray*. He ſaid if I did diſcover, he would take away my Life.

*L. C. J.* I wonder they did not give you the Oath of Secreſy.

Mr. *Mowbray*. Yes my Lord, I did receive it from *Ruſhton*'s own hand.

*L. C. J.* When?

Mr. *Mowbray*. In 76.

*L. C. J.* Who receiv'd it with you?

Mr. *Mowbray*. It was given to me after the Communicants were gone from the Chappel.

*L. C. J.* What was the Oath?

Mr. *Mowbray*. He reſerved the Sacrament for me, and ſwore me by it, that I ſhould be faithful and ſecret, and ſhould not reveal any Diſcourſe I was privy to.

*L. C. J.* Reveal no Diſcourſe, what Diſcourſe did they mean?

Mr. *Mowbray*. Thoſe Diſcourſes when the Prieſts were in private with him.

Then Sir *Tho. Gaſcoyne*'s Almanack was produced.

Mr, *Attorn. Gen.* Who proves Sir *Thomas* his hand? Is this Sir *Thomas Gaſcoyne*'s hand?

*Bolron* and *Mowbray*. Yes, it is his Hand.

*L. C. J.* Shew it him himſelf, (which was done)

Mr. *Hobart*. Is that your hand?

Sir *Tho. Gaſcoyne*. Yes, I think I ſaw it at the Council Table, this is my Writing, and I will juſtifie every word that is written there.

Mr. *Attor. Gen.* Read that one place.

*Clerk*. *The* 15th *to* Peter *for a* 100. *l. to* Corker.

Mr. *Attor. Gen.* If your Lordſhip pleaſe, I deſire he may be asked what that 100 *l.* was for.

Mr. *Hobart*. Look you here Sir, did you order 100 *l.* to be paid to *Corker*?

Sir *Tho. Gaſcoyne*. It may be I did.

Mr. *Hobart*. What was it for?

Sir *Tho. Gaſcoyne*. For the Portion of a Child I had.

Mr. *Hobart*. What Child was that?

Sir *Tho. Gaſcoyne*. I know not who it was, *Mary Appleby*, I think.

Mr. *Attor. Gen.* Pray ask him how it came to *Corkers* hands? Why it was returned to *Corker*.

Sir *Tho. Gaſcoyne*. I know not that, becauſe wee did not know where ſhe liv'd, ſhe was beyond Sea.

Mr. *Hobart*. Where is ſhe?

Sir *Tom. Gaſcoyne*. She is at *Paris*.

Mr. *Attor. Gen.* Here is another Book of his that does make mention of 900 *l.* to Mr. *Corker* upon Agreement between them.

*L. C. J.* Ask him how much money he might return to *Corker* from time to time. (Which was done)

Sir *Tho. Gaſcoyne*. My Lord I don't know, we have been ſeveral years returning of money.

*L. C. J.*

*L. C. J.* Hath he return'd 800 or 900 *l.* in all?

Sir *Tho. Gaſcoyne.* No, I don't think ſo much.

Mr. *Attorn. Gen.* Pray ask him how much was Mrs. *Appleby*'s Portion.

Sir *Tho. Gaſcoyne.* Indeed I can't certainly ſay, but as the Rents came in, I was to pay ſeveral Sums to ſeveral Perſons, it was a 100 *l.* a year to that *Mary Appleby*, it may be 2000 *l.* in all from firſt to laſt, but I ſhall ſatisfie you about that.

Mr. *Attor. Gen.* Will you ſatisfie us anon why 900 *l.* was paid in one year.

Then the Book was ſhewn to Sir *Thomas*, who owned it to be his hand.

*L. C. J.* Read it.

*Clerk.* Q. *of Mr. Corker, what Bills, for how much, and to whom directed, he hath received of me ſince the* 21th *of* July 1677. *to* June 1678. *vid. the Book, p.* 45. *and the great Book, fol.* 54. *where you may find P. for* 900. *l. and agree in this Accompt* Corker, *the* 7th *of* Auguſt, 1678.

Mr. *Attor. Gen.* Firſt he makes a *Quære*, how much he returned, and then ſays he, the *7th* of *Auguſt* I and *Corker* agreed.

*L. C. J.* Let him read it himſelf. (Which he did)

Mr. *Hobart.* What ſay you to that, that you ſent ſo much Money to *Corker?*

Mr. *Juſt. Pemberton.* You muſt underſtand he is one of the Prieſts, and *Bolron* ſwears, that he intended to ſend 2000. *l.* and by 300 *l.* a piece, he reckons up 900. *l.*

Sir *Tho. Gaſcoyne.* It was a great many years, and ſeveral times.

*L. C. J.* Tell him it was but between *July* 77. and *June* 78.

Sir *Tho. Gaſcoyne.* That does not appear.

Mr. *Attor. Gen.* Yes, it does, by the Book.

Mr. *Juſt. Dolben.* Then how came you to return 900. *l.* in one year to *Corker?*

Mr. *Serj. Maynard.* And never had 200 *l.* he ſays together.

Mr. *Attorn. Gen.* Then here is another Paſſage in this Book, if it pleaſe your Lordſhip to have it read.

*Clerk. Take* Heworth *at an eaſie Rent of the Widow—and purchaſe the Reverſion of* Craddock—*and in the Interim* Dawſon.

Mr. *Juſt. Dolben.* Ask him what he did mean by taking of *Heworth?*

Sir *Tho. Gaſcoyne.* I took no Houſe there.

Mr. *Juſt. Dolben.* But did he agree to buy the Reverſion of it.

Sir *Tho. Gaſcoyne.* It was for my Neece *Thwing.* She was born in the houſe, and was very deſirous to be in the Houſe.

Mr. *Juſt. Dolben.* Ay! but why did he take the Leaſe of the Widow, during her Joynture, and why buy the Reverſion?

Sir *Tho. Gaſcoyne.* I know no Reaſon but my Affection to her.

Mr. *Attor. Gen.* Ask him who he did intend ſhould live in the Houſe?

Sir *Tho. Gaſcoyne.* Nay, I don't know what they intended my Neece *Thwing.*

Mr. *Juſt. Dolben.* Did you intend to buy it for your ſelf?

Sir *Tho. Gaſcoyne.* No, I lent her the Money.

Mr. *Juſt. Dolben.* Did you intend it for her?

Sir *Tho. Gaſcoyne.* I might do with it what I would.

Mr. *Attor. Gen.* Ask him if his Neece *Thwing* was a ſingle Woman, and was

to

to have the whole Houſe to her ſelf?

Sir *Tho. Gaſcoyne.* She had her Brother with her.

Mr. *Hobart.* He ſayes Mrs *Ellen Thwing* was a Nun, Mrs. *Laſſels* was to be Lady Abbeſs, Mrs. *Beckwith* was her Aſſiſtant, and Mrs. *Cornwallis* and others were Nuns.

*L. C. J.* Ask him if Mrs. *Laſſels* was not to be Lady Abbeſs and live there?

Sir *Tho. Gaſcoyne.* I know nothing of it.

Mr. *Att. Gen.* Ask him if there was not one Mrs. *Benningfield* to be there?

Sir *Tho. Gaſcoyne.* No.

Mr. *Bolron.* Yes, ſhe was to be there.

Mr. *Juſt. Jones.* Why, do you know any thing of her?

Mr. *Att. Gen.* She is in *York* Gaol.

Mr. *Bolron.* No, ſhe is gone from thence. My Lord, *Ellen Thwing* was a Nun, and was ſent for from beyond Sea to inſtruct all them that ſhould be made Nuns, and this Father *Cornwallis* was Father Confeſſor to the Nuns. He is now in *York* Gaol, taken with two Women.

Mr. *Juſt. Jones.* Ask him what he meant by that writing in the Almanack?

Sir *Tho. Gaſcoyne.* I did write things here for a *Memorandum* to help and aſſiſt my Neece, and the poor Children of my Brother; and ſo the Widow that was Sir *Walter Vavaſor*'s Siſter, was to ſell the Houſe, and one *Craddock* meant to ſell all the Lordſhip, and the Children were deſirous to keep the Houſe, and ſo they bought the Houſe and one Cloſe, and all the reſt was ſold; ſo I writ it onely that they ſhould have the aſſiſtance of Sir *Walter Vavaſor* to have the Houſe.

Mr. *Juſt. Dolben.* Pray ask him what he means by the words, *in the interim at Dawſon.*

Sir. *Tho. Gaſcoyne.* Nay, what do I know.

*L. C. J.* Ask, if Mrs. *Thwing* were not a Nun?

Sir *Tho. Gaſcoyne.* They did deſire if they could not get that Houſe, that they might have another Houſe.

Mr. *Juſt. Dolben.* And all this for Mrs. *Thwing.* Ask him if ſhe was not beyond Sea, and kept in a Nunnery?

Sir *Tho. Gaſcoyne.* Nay, I can't tell what ſhe was.

Mr. *Att. Gen.* Here is another Note in this Almanack, pray read it.

It was firſt ſhewed to Sir *Tho. Gaſcoyne*, who owned it to be his hand.

*Clerk.* Mr. Harcourt, *next Houſe to the Arch within* Lincolns-Inn-Fields, *Mr.* Parr's.

*L. C. J.* No queſtion but he was acquainted with all the Prieſts about the Town, and had directions to write to them.

Mr. *Juſt. Pemberton.* He hath been Prieſt-ridden by them, that is plain.

Mr. *Recorder.* Ask him what he means by the laſt Mark there ſet under *London*?

Sir. *Tho. Gaſcoyne.* I can't tell what it is, 'tis a *Quære.*

Mr. *Att. Gen.* In the Almanack there is a *Memorandum* to acquaint Mr. *Thwing* with the whole Deſign, what it was, I can't tell.

*L. C. J.* Ay, Pray let's ſee that.

Mr. *Att. Gen.*

Mr. *Attorn. Gen.* This *Thwing* is a Prieſt, in *Newgate* at this time.

*Clerk.* The 15th of *April* 1676. *Memorand. Acquaint Mr.* Thomas Thwing *with the whole Deſign.*

*L. C. J.* Now ſhew him that.

Sir *Tho. Gaſc.* Look you, what is it you would have?

Mr. *Hobart.* What Deſign was that?

Sir *Tho. Gaſcoyne.* It was my providing moneys for him and his Siſter, that they ſhould tell how to purchaſe the Houſe.

Mr. *Att. Gen.* What, a Prieſt and a Nun?

Mr. *Juſt. Dolb.* They had vow'd contrary to that.

Mr. *Juſt. Pemb.* Ask him whether *Thwing* be not a Prieſt?

Mr. *Hobart.* Is this *Thwing* a Prieſt? *Thomas Thwing?*

Sir *Tho. Gaſcoyne.* No, it was *Ferdinando Thwing*, that is now dead.

Mr. *Att. Gen.* No, but this is *Thomas Thwing*: Is he a Prieſt?

Sir *Tho. Gaſc.* I do not know, what have I to do?

*L. C. J.* Then conſider how likely it was, he was to purchaſe an Houſe for a Prieſt and a Nun, for ſome ſuch buſineſs as is ſworn.

Mr. *Hobart.* He ſayes no, my Lord.

*L. C. J.* What is the meaning of it then, that he ſhould name the whole Deſign?

Mr. *Hobart.* He ſayes it was the Brothers and Siſters that lived next door to him.

*L. C. J.* Ay, but 'tis ſaid, Acquaint *Thomas Thwing* with the whole Deſign.

Mr. *Hobart.* He might acquaint *Thomas Thwing* with ſuch his intention.

Mr. *Att. Gen.* We will now ſhew your Lordſhip a Letter, taken among the Papers of Sir *Thomas Gaſcoyne*, wherein is this Proviſo, talking of the Settlement, *In the formal Settlement, let this Proviſo be added, If* England *were converted, then to be diſpoſed ſo and ſo.*

*L. C. J.* Mr. *Bolron*, how came you by that Paper?

Mr. *Bolron.* I took this Paper in Sir *Thomas Gaſcoyne*'s Chamber, with ſeveral others, I remember ſome had his hand to them, others had not, and ſome were ſigned *Pracid*, and ſome *Cornwallis.*

*L. C. J.* Is there any mark of his Hand to that Paper?

*Mr. Att. Gen.* Yes there is a mark in this, of Sir *Thomas*'s own hand, the word (*Yes*) in the Margent.

*Clerk.* *Dolebank*, June the 9th. 78.

Moſt Honoured Sir,

*AFter moſt grateful Acknowledgments of all your charitable Favours, as to my own particular; I am alſo herewith to preſent moſt humble and heartieſt thanks on behalf of your Neece, and Mrs.* Haſtings *here, who both would eſteem it a great happineſs to ſee you here, as alſo my Lady, your honoured Daughter, to whom we beſeech our humble Reſpects may be preſented. I have ſent the Paper ſafely to good Mrs.* Bedingfield, *from whom ſhortly you will have Religious acknowledgments. I told her, that I ſuppos'd you would judge fitting to inſert into the formal Writing the Proviſo,* viz. That if *England* be converted, then the whole 90*l.* per annum is to be applyed here in *Yorkſhire*, about, or at *Heworth, &c.* the

which, doubtleſs, will be as acceptable unto her, and as much to God's Glory as poſſibly can be imagined. *Now, deareſt Sir, let me not be too much troubleſom, ſave only to wiſh you from his Divine Majeſty, for whoſe everlaſting Glories greater Praiſe and Honour you do this moſt pious Action, the happy Enjoyment of that Glory everlaſting. I would laſtly adviſe you in Gods holy name, to compleat the Buſineſs by drawing the formal writing as ſoon as poſſible*; & without making any material Alteration from what you have already ſigned, ſave only the Proviſo above written. *I ſhould be glad to know concerning the Receipt hereof; and when Sir* Miles *and your Son are likely to attend you to finiſh the Buſineſs: as alſo when Mr.* Pierpoint *ſhall be arrived. Theſe good Religious are very deſirous with your Approbation (and Mrs.* Bed. *at my coming from her wiſhed the ſame) to try for a Removal to Mr.* Dawſon's; *th'impediments here being eſſential, as the houſe incapable to receive more Scholars, with many other Inconveniences alſo. Time permits no more, only we again expreſs our earneſt deſires to ſee your* Honour *here with my Lady, as the greateſt Satisfaction we can deſire: I remember you hinted to Mrs.* Beding. *not long ſince, that perhaps you might ſee her at* Hammerſmith, *and how much eaſier you may come hither, we earneſtly beſeech you to take into Conſideration to the Purpoſe.*

YES.

Moſt honoured Sir,

Your *Honour*'s moſt obliged faithful Servant,

*JO. PRACID.*

*L. C. J.* I think 'tis pretty plain, there was a Deſign of erecting a Nunnery.

Mr. *Serj. Maynard.* If *England* is converted then the whole 90 *l.* a year to be employed in *Yorkſhire* about a rotten Houſe, which would be much for Gods Glory.

*L. C. J.* What other Evidence have you?

Mr. *Recorder.* If your Lordſhip pleaſe, we have another Letter Dated from *York* Caſtle, and the backſide of the Letter is indorſed by Sir *Tho. Gaſcoyne's* own hand, the time when he received it.

*L. C. J.* When was it?

Mr. *Recorder.* The laſt *May*, he dates it from *York* Caſtle, where he was in *Priſon*, and therein gives Sir *Thomas* an Account of the Opinion of the Doctors of *Sorbonne* about the taking the Oath of Allegiance.

*L. C. J.* No Doubt all of them do not approve of it.

Mr. *Juſt. Dolben.* As I believe this ſame *Pracid* was the Occaſion of ſo many Gentlemen refuſing the Oath of *Allegiance*, I convicted above 40 of them in that County for not taking of it.

Mr. *Serj. Maynard. Noſcitur ex comite.* You ſee if this be the effect of it, what reaſon we have to rid our ſelves of theſe Prieſts. One that dares write ſuch a Letter, and 'tis found in Sir *Thomas*'s Study.

Mr. *Juſt. Pemberton.* And Sir *Thomas*'s own hand on the back of it.

Mr. *Serj. Maynard.* My Lord, under Favour, I do take it, that the debauching of men in point of Conſcience, that they may not take the Oath of Allegiance is to ſet them looſe from the Government, and looſe from the King,

and

and make them ready to arm when they have Opportunity.

Mr. *Juſt. Pemberton.* No Doubt of it Brother.

*L. C. J.* All the Jeſuits ſay they may not take it, but ſome of the Sorboniſts ſay they may.

Mr. *Juſt. Pemberton.* But now you ſee they are againſt it.

*L. C. J.* Some will, and ſome will not allow it.

Mr. *Juſt. Jones.* They take or leave Oaths as it is convenient for them.

Then the Letter being ſhewn to Mr. *Mowbray*, and the Indorſment acknowledged to be Sir *Thomas*'s hand was read.

*Clerk.* York Caſtle, *May* the 24th.

Honoured, and ever deareſt Sir,

*LOnger time having paſs'd ſince your laſt writing, it is fit to inform you how Gods holy Providence diſpoſes concerning us. All the Out-priſoners being call'd into the Caſtle, (as you may have heard) Mrs.* Haſtings *Room was needed, and ſo ſhe went into* Caſtle-gate *to reſide at the former lodging of one* Mrs. Wait, *(who is now in the Jayl) where ſhe remains with Mrs.* Wait's *two children, and their Maid-ſervant, teaching the children, as formerly; alſo the* Moor's *Neece goes daily thither; and Mrs.* Haſtings *lives without charge as to Diet and Lodging, as I formerly told you; ſhe ſpends all her time well, God be praiſed, and comes every morning about ſeven a clock to ſerve God at the Caſtle: but I and two others are much abridg'd of that happineſs by her Room being left by her here. My liberty of going abroad is reſtrain'd with the reſt, none being as yet permitted the leaſt, ſince theſe laſt were forced to come in. Madam was here the other day, and ſeem'd ſomewhat timorous about Mrs.* Haſtings *teaching: but moſt in the Caſtle perſwaded her, that it was moſt commendable and moſt ſecure, and ſo ſhe reſts ſatisfied: Mrs.* Cornwallis *is recovered of her Ague, God be bleſt: ſhe deſires her dutiful reſpects may be alwayes preſented unto you, and intends her ſelf to write to you. Mrs.* Wood *and her Companion are well, but dare not as yet walk in their own Garden. All our now Priſoners are chearful, and each of us comforted, in hopes that God will make all Catholicks of one mind: for I have a Letter from our* * Spr. *at* London *(who was the ſame day taken and carried to Priſon) wherein he declares, alledging Authority,* That the pretended Oath of Allegiance cannot be taken, as it is worded, adding, that three Brieves have formerly been ſent from the Pope, expreſly prohibiting it; and in the third, it is declared damnable to take it. *And yeſterday* we had a Letter communicated amongſt us, ſent by Mr. *Middleton* (now at *Paris*) to his Friends here, containing the atteſtation of all the *Sorbon* Doctors againſt it; adding, that whoſoever here in *England* give leave, they deceive People, and are contrary to the whole Catholick Church. There was alſo a meeting ſome years ago, of all the Superiours both Secular and Regular, wherein it was unanimouſly declared, that it could not be taken. Mr. Hutchiſon (*alias* Berry) *who has lately printed a Pamphlet in defence of the Oaths, has the other day declared himſelf* Proteſtant *at St.* Margarets Weſtminſter. *And ſo I reſt,*

* *Mr. Record.* That is Superior.

Honoured Sir,
Your ever obliged
*J. P.*

Mr.

Mr. *Recorder.* That is all, the other is private.

*Mr. Att. Gen.* If your Lordſhip pleaſe, we ſhall now prove by ſome Witneſſes, That he hath returned great Sums of Money, becauſe he ſaid, he never had 200 *l.* together; and for this we call Mr. *Phiſwick*; (Who was ſworn.) Come Sir, were you a Servant to Sir *Tho. Gaſcoyne?*

Mr. *Phiſwick.* Yes.

Mr. *Att. Gen.* For how long time?

Mr. *Phiſwick.* For ſix years and upwards.

Mr. *Att. Gen.* In that ſix years time what Sums of money did you return to *London?*

Mr. *Phiſwick.* 'Tis abſtracted in a Note.

Mr. *Att. Gen.* Did you return all the Sums in that Note?

Mr. *Phiſwick.* I refer my ſelf to my *Almanack.*

Mr. *Att. Gen.* Did you ſet down this Account?

Mr. *Phiſwick.* Yes, Sir.

Mr. *Att. Gen.* Then thus, Sir, pray what comes it to?

Mr. *Phiſwick.* Thoſe Sums do come to 6128 *l.*

*L. C. J.* Whoſe money was that?

Mr. *Phiſwick.* Part of it was Sir *Thomas's*, part his Sons, and part my Lady *Tempeſt's.*

*L. C. J.* Can you tell how much in any one year you returned upon the account of Sir *Thomas?*

Mr. *Phiſwick.* Not unleſs I had my Almanack.

*L. C. J.* It will be endleſs to look over the particulars.

Mr. *Juſt. Pemberton.* Can you make any Eſtimate in ſix years how much you returned for Sir *Thomas* himſelf?

Mr. *Phiſwick.* No, not without my Almanack, becauſe I returned money for them all.

Mr. *Att. Gen.* My Lady *Tempeſt* and Mr. *Gaſcoyne*, it hath been proved, were in all the Diſcourſes.

*L. C. J.* But that hath not any influence upon Sir *Thomas.*

Mr. *Phiſwick.* The Eſquire lived much in *London.*

Mr. *Juſt. Dolb.* What Eſtate had he to live upon?

Mr. *Phiſwick.* Betwixt 4 and 500 *l.* a year.

Mr. *Juſt. Pemb.* What Eſtate had Sir *Thomas* beſides?

Mr. *Mowbray.* My Lord, I believe it was 1600 *l.* a year, beſides what *Mr. Gaſcoyne* had.

Mr. *Juſt. Dolb.* And what had my Lady *Tempeſt?*

Mr. *Phiſwick.* Three hundred pound a year.

Mr. *Juſt. Dolben.* But ſhe lived in *Yorkſhire?*

Mr. *Phiſwick.* Yes.

Mr. *Juſt. Dolben.* So ſhe needed little returns to *London?*

Mr. *Juſt. Pemberton.* But admit they had returned all, yet there was 300 *l.* a year to be returned for Sir *Thomas.*

Mr. *Att. Gen.* My Lord, here is Mr. *Mawſon*, I think 2500 *l.* was received by him.

Mr. *Phiſwick.* I paid in the Countrey, at *Leeds*, money, that he paid here in Town.

Mr. *Att. Gen.* Here is 25 *l.* paid to *Harcourt*, I would ask him whether it were the ſame *Harcourt* that was executed?

Mr. *Juſt. Pemb.*

*Mr. Juſt. Pemberton.* I think that not material.

*Mr. Att. Gen.* My Lord, if you pleaſe we will ſhew you the Examination taken before the Council, that Sir *Thomas* did own this *Bolron* had bin his Servant, and never unfaithful, but always took him to be, as he now found him, a Fool.

*Mr. Juſt. Dolben.* If he object any thing, it will come in properly by way of reply.

*Mr. Att. Gen.* Then now we have done till we hear what the Priſoner ſays to it.

*L. C. J.* Tell him they have done with their Evidence againſt him, if he will have any Witneſſes examined, he muſt call them.

*Mr. Hobert.* The Kings Evidence have bin all heard, and ſaid as much as they can, the Court askes you if you would call any Witneſſes, or ſay any thing for your ſelf? have you any Witneſſes here?

*Sir Thomas Gaſcoyne.* Yes.

*Mr. Hobart.* Name them, Sir.

*Mr. Juſt. Dolben.* Ask what he will have done with them?

*Mr. Juſt. Jones.* Let him tell us to what purpoſe he will call them.

*Sir Thomas Gaſcoyne.* To Examine them to the credit, and demeanour of theſe Men, and that there is no probability in their ſuggeſtions.

*Mr. Hobart.* Name them, Sir.

*Sir Tho. Gaſcoyne.* They are all in that Note.

*Mr. Babbington was firſt Examined.*

*Mr. Juſt. Pemberton.* Ask Sir *Thomas* what he would have him asked.

*Sir Tho. Gaſcoin.* Look you, Sir, what do you know concerning the difference between Mr. *Bolron* and I?

*L. C. J.* Well, what ſay you to that Queſtion?

*Mr. Babbington.* My Lord, I have not been imploied in Sir *Thomas Gaſcoin's* buſineſs before the laſt Winter.

*Mr. Juſt. Dolbin.* What do you know then?

*Mr. Babbington.* About Spring laſt Sir *Thomas Gaſcoine* was conſulting with me about Money *Bolron* owed him upon two Bonds, and gave me Directions to ſue them. And likewiſe he was giving me Directions to deliver Declarations in Ejectment for gaining the poſſeſſion of his Farm, becauſe he did not pay his Rent —.

*L. C. J.* How much were the Bonds for?

*Mr. Babbington.* I have them here I think.

*L. C. J.* You need not look for them, you may tell us the Sums.

*Mr. Babbington.* The one is for Twenty eight pounds, the other Twenty, to the beſt of my remembrance. Mr. *Bolron* having notice of this, did deſire he would accept of a Conveyance of an Houſe he had at *Newcaſtle* for ſatisfaction of his Debt. Sir *Thomas* was unwilling to accept of it, but I did prevail with him to accept it, not in Satisfaction, but as an additional Security; and the Deeds I have here that I drew for that end.

*Mr. Juſt. Pemberton.* What time was this?

*Mr. Babbington.* This was a little before laſt *Trinity Term* begun. I have taken a *Memorandum* within a day or two, if your Lordſhip will give me leave to look upon it.

*Mr. Juſt. Dolben.* Have you not had all this time to get your Papers ready?

*Mr. Babbington.* My Memory is very ſhort indeed. But now I ſee about the third or fourth of *June* Sir *Thomas* gave me orders to deliver Declarations in Ejectment.

*Mr. Juſt. Dolben.* When did he firſt bid you queſtion him for Monies upon the Bonds?

*Mr. Babbington.* It was ſometime in *May*.

*L. C. J.* Did he tell you, you muſt ſue him?

*Mr. Babbington.* Yes.

*L. C. J.* What then did *Bolron* ſay?

*Mr. Babbington.* *Bolron* did then deſire that *Sir Thomas* would accept of Security out of his Houſe at *Newcaſtle*. Sir *Thomas* was very hard to be perſwaded, but at length I did prevail with him, and I uſed this Argument, That it was not to lend ſo much Money upon that Security, but his Money was already out of his hands, and elſe deſperate, and this was a further ſecurity, and that it would not leſſen his other Security, and upon theſe perſwaſions he did let me draw a Deed to that purpoſe.

*L. C. J.* Was this ſome time in *May*?

*Mr. Babbington.* This diſcourſe was in *May*.

*L. C. J.* Are you ſure of it?

*Mr. Babbington.* The directions that I had for drawing the Deed was in *June*, but the diſcourſe with *Sir Thomas* was in *May*, and I do perfectly remember it by a Circumſtance which I ſhall tell your Lordſhip. After the Deeds were drawn, (for drawing of which I had a Letter under *Bolrons* own hand, and if occaſion be I have the Letter here to produce) I came from *York*, having bin there, and appointed a day for the Sealing of them. I came to the Houſe where *Bolron* lived, and *Sir Thomas* met me, and there I produced the Deeds, and he of himſelf was very ready and willing to the ſealing of them, but his Wife, who was joyned in the Deeds with him, would not by any means ſeal, unleſs *Sir Thomas* would deliver up the Bonds he had taken for the Money, but *Sir Thomas* did utterly refuſe to deliver up the Bonds.

*L. C. J.* What time in *June* was this?

*Mr. Babbington.* A little before Whitſontide.

*L. C. J.* What time was that?

*Mr. Babbington.* That was the 14*th* of *June*, as I remember, that I delivered the Declaration; and that day before, which was the 13*th* to the beſt of my remembrance, I had this Communication and diſcourſe about Sealing the Writings, which the Wife refuſed to joyn in; but *Sir Thomas* would only take it as an additional Security, refuſing to deliver up the Bonds, but he would ſuſpend further proſecution, and *Bolron* did then deſire no longer time then a month for paymemt of the Money. But his Wife, tho ſhe were urged to ſeal the Writings would not be perſwaded, but utterly denied it. After we had ſpent a great deal of time there, *Bolron* comes to me and deſires me to come another time, and he would perſwade his Wife to ſeal the Deed; nay, ſaid I, 'tis not fit for me to come up and down unleſs it be to ſome purpoſe, and your Wife will Seal; Will! nay, ſaies he, I will force her to it. My anſwer was this, if you take theſe Courſes, *Mr. Bolron*, I muſt by no means be concerned in the matter; for your Wife muſt paſs a Fine, and we muſt examine her ſecretly, and if ſhe tells me ſhe does it by your

and

Force, I will not paſs it if you would give me a 1000 *l.* After this about a fortnight he ſent for me to come and his Wife would Seal.

*L. C. J.* By the way, are you a Proteſtant?

*Mr. Babbington.* Yes, I am Sir.

*L. C. J.* And always was?

*Mr. Babbington.* Yes.

*Mr. Att. Gen.* Yes, he is an Attorney at large, I know him very well.

*Mr. Babbington.* This was a fortnight or three weeks after that, the latter end of *June*, he ſent for me to his Houſe, and that his Wife would be contented to ſeal. And this he deſired might be done on the Tueſday, which was *Leeds* Market-day, and I could not go. The next day I called upon him at *Shippon*-Hall; he was then within, and deſired me to go up to *Barmbow* to Sir *Tho. Gaſcoyn*'s with him: he ſaid he ſhould go within two or three days to *Newcaſtle*, for he had a Chapman that would lay down the Money, and take the ſecurity of the Houſe, and he deſired he might have the liberty to go thither to treat about it. I told him I did believe it would be no hard matter to perſwade Sir *Thomas* to that, for he would be very glad of it. I went up with him to *Barmbow*, and as we went along, he asked me if Sir *Thomas* did intend to ſue him upon his Bond? I told him I had directions ſo to do. He asked me likewiſe if he would turn him out of his Farm? I told him, Yes, if he would not pay his Rent; and the truth of it is, he did then deny he had received the Declaration in Ejectment: but my Man afterwards made his *Affidavit* of delivery, and had Judgment upon it. Afterwards I went up to Sir *Thomas*, and told him what *Bolron* deſired, and he conſented to it as readily as it could be asked; and in coming away he told *Bolron*, that in the management of his Coalpits he did neglect very much, and did go abroad, ſtaying away two or three days together. To this *Bolron* made ſome excuſe, and ſaid it was for collecting his Debts. Said Sir *Thomas*, I know not what you are about, but if you do well for your ſelf, I am ſatisfied.

*L. C. J.* How long had he been from him, and left his Service then?

*Mr. Babbington.* I know not when he went, but this was in *June* laſt. After this we went back again, and in coming back he was very inquiſitive to the ſame purpoſe; he was asking me ——

*L. C. J.* You ſay he chid him, and told him he was not a good husband in his Coalery.

*Mr. Babbington.* Yes; and as we came back he was inquiſitive whether Sir *Tho. Gaſcoin* would ſue him, and turn him out of his Farm. I did then enter into the ſame expreſſions, and told him, if he did not pay, he muſt be ſued.

*L. C. J.* You told me, Sir *Thomas* was agreed to ſtay ſo long, when was this?

*Mr. Babbington.* My Lord, this was after we had parted with Sir *Thomas.*

*L. C. J.* After Sir *Thomas* had promiſed him to ſtay ſo long time, then ſaid he, as you were coming home, Do you think he will ſue me, and turn me out of my Farm?

*Mr. Babbing.* Yes, ſaid I. *Well*, ſaid he, *Then by God I will do that which I did not intend to do.* What he meant by it I cannot tell, but this was a little before he came to *London*, which I judge to be the latter end of *June*; and this is all I have to ſay.

Then

Then *Obadiah Moor* was called.

*Mr. Juſt. Jones.* Did you tell Sir *Thomas Gaſcoyne*, what he ſaid, Then I will do what I never did intend to do.

*Mr. Babbington.* I did never tell him my Lord, for I look'd upon it as an idle expreſſion. And I will tell your Lordſhip why; becauſe this Man that is now to be examined did tell me how that he was bound for him, and that *Bolron* to incourage him to be bound, ſaid, You need not fear, for if Sir *Thomas* ſues me, I will inform againſt him for keeping Prieſts in his Houſe; and I did look upon it as an idle expreſſion.

*Mr. Moor.* My Lord, in *September* laſt was 12 Month, *Mr. Bolron* did deſire me to be bound with him to Sir *Tho. Gaſcoyn.* Said I, I told him, *Mr. Bolron*, I have ſome ſmall Acquaintance with you, but I have no reaſon to be bound with you. Said he, Do not fear; there is my Brother *Baker*, and *Stephen Thompſon* are to be bound as well as you. Said he, I will give you my Counter-ſecurity. That ſignifies nothing, ſaid I. You need not fear any Suits, ſaid he; for if Sir *Thomas* ſues me, I will inform againſt him for keeping Prieſts. Said he, When muſt this Money be paid? Said he, at *Candlemas* next. So we went and were bound; the one Bond was to be paid at *Candlemas* laſt, and the other in *Auguſt*. And after *Candlemas* he did not pay the Money, and ſaid I, Mr. *Bolron*, I don't like theſe Bonds, you muſt make new Bonds for my ſecurity. I was afraid of being ſued, and I deſired Mr. *Babbington* to bring a Writ againſt him, which he did; and upon *Holy-Thurſday* I had two Bayliffs ready to arreſt him, but he could not be found; and I had two likewiſe the *Saturday* before at his Pitts. Preſently after he came up to *London*, and made an Information, and on the 8*th* of *Auguſt* laſt I met him in *Ferry Bridg*, and he came along with me; ſaid he, *Mr. Moor*, you and I have often diſcourſed of Sir *Tho. Gaſcoyn*, you may do me good, if you do not, pray do me no harm. You have been often at his Houſe. With that, I asked him if he was concerned in the Plot? for, ſaid I, you have been often telling me, and ſworn it, and deny'd it utterly, that he was no more concerned than any body elſe: but I did but equivocate then, for I was a Papiſt, and if I had told a 1000 Lies, or killed 20 Proteſtants, our Prieſt would have forgiven me for it. And ſo coming to *Farnborn*, two Miles from *Ferry-Bridge*, he plucked out 10*s.* and ſaid, I have no more Mony in my Pocket but this, but pray be kind and do me no harm, for you know I have deni'd it all along.

*Mr. Juſt. Jones.* Hath he done ſo?

*Mr. Moor.* Yes, ſeveral times.

*L. C. J.* How came you to diſourſe with him, and queſtion him about it?

*Mr. Moor.* Becauſe there was a general Diſcourſe in the Contrey, that there were few Papiſts but what were concerned, and guilty of the Plot.

*L. C. J.* When was that Diſcourſe?

*Mr. Moor.* The latter end of *September* was 12 Month, when the Plot ws firſt diſcovered. And he ſaid, Sir *Thomas* was no more concerned than the Child that was to be born.

*L. C. J.* Had you any Diſcourſe with him about *May* laſt?

*Mr. Moor.* No, my Lord, in *Auguſt* as I told you I had.

*L. C. J.* When was the laſt time that he told you, Sir *Thomas* had not an hand in the Plot?

*Mr.*

*Mr. Moor.* I can't certainly remember, but I think it was in *February*, when I told him I would ſue the Bond, or have better ſecurity. It was a ſmall time after *Candlemas*.

*Mr. Juſt. Jones.* What are you, a Proteſtant, or a Papiſt?

*Mr. Moor.* A Proteſtant, bred and born ſo.

*Mr. Juſt. Pemberton.* He would have ſworn it no doubt at that time, for he was under an Oath of Secrecy.

*L. C. J.* But you ſay *Auguſt* was the firſt time that he diſcourſed to you that Sir *Thomas* was in the Plot.

*Mr. Moor.* Yes.

Then *Stephen Thompſon* was called.

*Mr. Juſt. Dolben.* Well, what do you know of this Buſineſs?

*Mr. Thompſon.* My Lord, if you will give me leave to ſpeak, I know a great deal of the Unkindneſs betwixt Sir *Thomas* and *Mr. Bolron.* He came down to me, he was Sir *Tho. Gaſcoyne's* Steward of his Coleary, and Sir *Thomas* liked not of his Accompts, and turned him forth. There was a great deal of Mony owing to Sir *Thomas*, and he came to Sir *Thomas* to agree about it, and he deſired me to be bound with him to Sir *Thomas*: Said I, *Mr. Bolron*, how ſhall I be ſecured? Said he, there is a great deal of Money of which I never gave Sir *Thomas* any accompt, I will gather it in and ſecure all, and ſo Sir *Tho. Gaſcoyne* knew nothing of it. So Bonds for 60 *l.* were entred into to pay 28 *l.* at *Candlemas*. So Sir, when *Candlemas* came, and he did not pay the Money, I went up to him, and asked him what he would do about this Money, what courſe he would take to ſatisfy? Oh! never fear, ſaid he; why ſaid I, hath he any hand in the Plot? if he hath let us know it; for he had made a great deal of his Goods away, and then I thought I ſhould not be ſecured, Oh ſaid he, he is a ſin leſs of it.

L. C. J. Who did make away his Goods?

*Mr. Thomſon. Bolron* did.

L. C. J. When was this?

*Mr. Thomſon.* Candlemas laſt. For then I thought *Sir Thomas* might ſue me for the Money, and I would feign have known if *Sir Thomas* had any hand in the Plot, and I preſſed him much to tell me. Then it paſſed on, and having a Writ out againſt me, I durſt not ſtir out my ſelf, but I did ſend my Man to him to know what he did intend to do about it. He told my Man, Brother, tell thy Maſter he need not to fear at all; why ſaid my Man, do you know he hath any hand in the Plot?——

Mr. Juſt. *Dolben.* That is but what your Man ſaid.

Mr. Juſt. *Pemberton.* Is your Man here?

Mr. *Thompſon.* No.

Mr. Juſt. *Dolben.* Therefore you muſt not urge that he ſaid to you, 'tis no Evidence.

Mr. *Thomſon.* On Thurſday after I went up to him my ſelf, and got him to go up to Sir *Thomas*, and ſo when he came to Sir *Thomas*, he would give him no time but a fortnight to pay the Money. *Bolron* deſired but three weeks time, and he would procure him his Money. So away we came down. Said I, What do you intend to do in this caſe? Said he, *If he do ſue me, I will do him an ill turn*; and ſoon after he went to *London*, and ſaid, he would go to ſell his Land at *Newcaſtle*. And a while after I went out to ſee if he were come again, and meeting him, it was when he was going

to *London* again to carry on his deſigne, ſaid I, *Robert Bolron* what do you ſay in this Caſe, you are going now to leave the Country, and how ſhall I be ſecured againſt Sir *Thomas*? do not queſtion it, ſaid he, for I am to receive on the Kings Account 30 *l.*

L. C. J. Upon whoſe Account?

*Mr. Tompſon.* Upon the King's, concerning the taking Sir *Tho. Gaſcoyn.*

*Mr. Bolron.* But I never had a farthing of it.

*Mr. Thompſon.* But ſaid he, I will not take it, for another bids me threeſcore pounds, and I know what *Oats* and *Bedloe* had, and I won't abate a farthing of that.

L. C. J. When was this?

*Mr. Thompſon.* It was after he had taken him; and on *Holy Thurſday* he did ſay, *If he did ſue him, he would do him an ill turn.*

*Then the* Lord Chief Juſtice *being to ſit at* Niſi prius *at* Guild-Hall, *went off.*

*William Backhouſe* was next called.

*Mr. Juſt. Jones.* Let him ask *Backhouſe* what he will.

*Sir Tho. Gaſcoyn.* I would ask him what Threats he gave to his Wife to ſwear againſt her Conſcience, and promiſe of 500 *l.* he ſhould gain by it.

*Backhouſe.* I ſerved the Warrant to carry the Witneſſes before Eſq; *Lowther*, and Eſq; *Tindall.* I was charged the 7th of *July* laſt to help fetch the Witneſſes before the Juſtices, and to take Sir *Tho. Gaſcoyn*, I and two of my Sons; and he opened the Door his own ſelf. When we had taken him, Eſq; *Lowther* directed us to bring the Witneſſes before him, and we did ſo. When we came to *Bolron*'s Houſe, his Wife was ſick on Bed, and I ſaid that ſhe muſt go before the Juſtice of Peace to ſwear againſt Sir *Tho. Gaſcoyn* for High Treaſon. She ſaid ſhe knew nothing againſt Sir *Thomas.* But *Bolron* ſaid ſhe muſt go, or he would have her drawn at the Carts Arſe.

*Then* Hamſworth *was called.*

*Mr. Juſt. Jones.* What will he ask him?

*Sir Tho. Gaſcoyn.* I ask him about the Threatning of his Wife.

*Hamſworth.* May it pleaſe you, my Lord: The ſame day that Sir *Tho. Gaſcoyn* was taken, *Robert Bolron* came to his Wife and told her, ſhe muſt go to Eſq; *Lowther* to ſwear againſt Sir *Tho. Gaſcoin.* She fell a weeping, and would not go by no means: he threatned if ſhe would not go, he would tie her to the Horſe's tayl.

*Mr. Juſt. Dolben.* Did he tell her what ſhe ſhould ſwear?

*Hamſworth.* I did not hear him, only to ſwear againſt Sir *Thomas.*

*Mr. Juſt. Dolben.* What ſhe knew, was it?

*Hamſworth.* Yes; and ſhe ſaid, ſhe did not know any thing of Miſdemeanour of Sir *Thomas Gaſcoyn* touching his Sacred Majeſty, or the Church-Government.

*Mr. Juſt. Jones.* Art thou ſure he ſaid thoſe words?

*Mr. Mowbray.* My Lord, he is a Papiſt.

*Hamſworth.* I am a Proteſtant.

*Mr. Juſt. Pemberton.* How long have you been a Proteſtant?

*Hamſworth.* I was born ſo.

*Mr.*

*Mr. Juſt. Jones.* Well, thou haſt added a few fine words that I dare ſay ſhe never ſaid.

*Mr. Juſt. Pemberton.* Were you never a Papiſt?

*Hamſworth.* Yes, I was.

*Nicholas Shippon* was called.

*Mr. Mowbray.* This Man is a Papiſt too.

Mr. *Juſt. Dolben.* Do you think he is not a Witneſs for all that?

Sir *T. Gaſcoyn.* What diſcourſe he had *May* 30, the day after the Race.

Mr. *Juſt. Pemberton.* Well, ask him what you will, what do you ſay

*Shippon.* Mr. *Bolron* was with me the 30th day of *May.*

Mr. *Juſt. Dolben.* What, *May* laſt?

*Shippon.* Yes, the day after *Aſcenſion-day*: He came to my Houſe about two a Clock in the afternoon, and ſtaid at my Houſe all that afternoon while an hour after Sun ſet before he went away. He came and brought a Letter with him to carry to *Newcaſtle*, and it was ſent away thither.

Mr. *Juſt. Dolben.* Are you ſure it was the day after *Aſſenſion-day*? How if it ſhould fall out to be another day?

*Shippon.* Yes, *Aſſenſion-day* was the 29*th* of *May.* He came to me about two a Clock.

*Mr. Serj. Maynard.* Pray what reaſon had you to take notice of this?

*Shippon.* He came and brought a Letter to me that was to go to *Newcaſtle*, and deſired me, that my little Boy might carry it to a kinſmans houſe of mine, for he ſaid, he was afraid of the Bailiff, and did not care for ſtirring out. My Wife brought him ſome meat and drink, and he ſaid it was better than he had at home; and ſhe ſaid ſhe was the more ſorry things were no better with him.

Mr. *Juſt. Dolben.* But how came you to take notice that this fell out the 30th of *May?*

*Shippon.* The night before I met him coming from the Race, which was the 29th of *May*, and he asked me if I ſaw any Bayliffs waiting for him? and I ſaid, Yes. And he ſaid it was well if he miſſed them. And he asked me if I ſaw *Bennet Johnſon?*

Mr. *Juſt. Jones.* How long was it you ſay he ſtaid?

*Shippon.* He came about two a clock, and ſtaid till an hour and half after Sun-ſet.

*Mr. Serj. Maynard.* What Religion are you of, Friend, let us know?

Mr. *Juſt. Dolben.* What ſay you to the truth of this, *Bolron?*

Mr. *Bolron.* My Lord, there is not a word of it true: for I was about two a clock at Sir *Thomas Gaſcoyns.* They were marking ſome Sheep, and I was there moſt of the Afternoon.

Mr. *Juſt. Jones.* Were you ever at his Houſe at any other time to ſend any ſuch Letter?

Mr. *Balron.* I never ſent any ſuch Letter. Indeed that day I was a little of the afternoon at his Houſe, but I ſtaid there but half an hour; but I was moſt part of the afternoon at Sir *Tho. Gaſcoin*'s ſeeing them mark Sheep.

Then *Roger Gregſon* was called.

Mr. *Juſt. Jones.* What do you ſay to him?

*Sir Tho. Gaſcoin.* Let him ſpeak his knowledge.

Mr. *Serj. Maynard.* I deſire he may ask the Queſtion, for he only generally refers to them what they know.

*Sir*

*Sir Thomas Gaſcoyne.* What did he ſay to you about *Auguſt* laſt?

*Gregſon.* My Lord I will tell you, we met about *Auguſt* laſt, *Robert Bolron* and I, about a week before Bartholomew day. We had ſome diſcourſe, he came from *London* a little before that, and I asked him how Sir *Thomas Gaſcoyn* did.

*Mr. Juſt. Dolben.* Was he apprehended in *Auguſt* laſt?

*Gregſon.* Yes, he was in the Tower. He ſaid, Well. I asked him, how he would come off about the Plot (as they call it)? Said he, he may come off well enough, but it will coſt him a great deal of Money. I then did ask, how they came to fall out? And he ſaid it was long of that Rogue *Addiſon*, Brother to the Prieſt, who had called him to accompt, or elſe he had never done Sir *Thomas* that injury. And I ſuppoſe that was the cauſe of it. And then we had ſome more diſcourſe, and that Diſcourſe was this, he rides a little from me (he was on Horſe-back) and came back again, ſaid he, I can tell you, the King was at *Windſor*, and one of the Privy Council made an attempt to ſtab the King, and the King made his eſcape, and now they will believe my Informations the better.

*Mr. Juſt. Pemberton.* Go on.

*Gregſon.* That is all I have to ſay.

*Mr. Juſt. Jones.* What, are you a Papiſt?

*Gregſon.* No, I am no Papiſt, I deny it.

*Mr. Serj. Maynard.* Nor never was?

*Gregſon.* Nor never was.

Then *James Barlowe* was called.

*Mr. Serj. Maynard.* My Lord, I conceive this Man ought not to be heard, for he is under an Accuſation of the ſame Crime; and we have had two Orders of Council to apprehend him.

Mr. *Att. Gen.* There was an Order of Council within this fortnight, to ſend for him up in Cuſtody.

Mr. *Juſt. Dolben.* There is nothing upon Record againſt him, and you may diſcredit his Teſtimony, but you cannot refuſe him: He is not to come upon his Oath.

Mr. *Sol. Gen. Bolron* ſwears too that he was at the Conſultation.

Mr. *Juſt. Dolben.* Let us hear him what he ſays, we muſt leave it to the Jury what to believe.

Mr. *Serj. Maynard.* They would queſtion him about *Mr. Bolron's* cozening, which ought not be.

Mr. *Sol. Gen.* This man hath ſworn it againſt him.

Mr. *Hobart.* Why did you not indict him, Sir?

Mr. *Serj. Maynard.* Sir, you ought not to prate here.

Mr. *Juſt. Dolben.* Come, I doubt you are a little too pragmatical.

Mr. *Juſt. Jones.* If you had any Record of the Indictment to ſhew againſt him, we would not examine him.

Mr. *Hobart.* Will you ask him any Queſtions, Sir?

*Sir Tho. Gaſcoyne.* You know, Sir,——

Mr. *Serj. Maynard.* That is not proper, he tells him what he knows.

Mr. *Juſt. Pemberton.* Look you, Sir, we did not intend that you ſhould come here to manage all as a Counſel; it was ſaid, *he could not hear well*, and ſo you were only to tell him what was ſaid.

*Sir Tho. Gaſcoyn.* I would ask him what he does know concerning taking of Money, and ſtealing from me?

Mr.

Mr. *Juſt. Dolben.* But that muſt not be asked. *(Which* Hobert *told him.)*

*Sir Tho. Gaſcoyn.* Then you muſt tell me what I muſt ask.

Mr. *Juſt. Pemberton.* Come, you have been pragmatical, Sir, and made him a Brief, and he cannot manage it without you.

Mr. *Serj. Maynard.* Did you write this Brief? *(meaning a Brief in Sir*

Mr. *Hobart.* No, and't pleaſe you, Sir. *Tho. Gaſcoyns hand.)*

*Then* Mr. Ravenſcroft *offered to ſpeak what this Witneſs had told him.*

Mr. *Juſt. Dolben.* Look you, Mr. *Ravenſcroft*, if what he ſays tend any thing to this buſineſs, that Sir *Tho. Gaſcoyn* comes to know of his ſtealing, and then turn'd him out of his ſervice, it is material; but if you come to tell a ſtory here of another man's knowledge, we can't ſpend our time ſo.

Mr. *Ravenſcroft.* It was known but laſt night to me; and if you will not let me tell you what it is, how ſhould you know it?

Mris *Ravenſcroft.* He is a Chief Witneſs for my Grandfather, and I deſire he may be heard, for he diſcovered it but laſt night to my Husband.

Mr. *Juſt. Dolben.* If it tend any thing to this buſineſs, that Sir *Thomas* turn'd him out of Doors, and therefore this Man bears him an ill will.

*Mr. Juſt. Pemberton.* We had as good hear Mr. *Ravenſcroft* however; but pray, Sir, make your ſtory ſhort.

Mr. *Ravenſcroft.* He came to me and ſaid theſe words, *I have kept a Secret a long while, in which I have done very ill,*——

*Mr. Juſt. Pemberton.* Then it does not tend at all to this Affair; for you muſt not come to tell a ſtory out of anothers man's mouth.

*Mr. Juſt. Dolben.* Pray ſit ſtill, Sir, and be quiet.

*Mr. Juſt. Jones.* Indeed you muſt be ſatisfied.

*Mr. Juſt. Pemberton.* If you have any other Witneſſes, call them, and do not ſpend our time.

Mr. *Juſt. Jones.* For the Jury muſt be told that 'tis no Evidence coming out of another Man's mouth.

*Mr. Juſt. Dolben.* 'Tis as if a Man ſhould come and ſay, I can ſay ſomething for Sir *Thomas Gaſcoyn*, when I know nothing but what another Man told me.

Mr. *Juſt. Jones.* Ask Sir *Thomas* if he would have this *Barlow* examined?

*Sir Thomas Gaſcoyne.* Yes.

Mr. *Juſt. Pemberton.* Then what Queſtions will you ask him?

*Sir Tho. Gaſcoyn.* What Conſpiracy was had to take away a great deal of Money from me, and how he conceal'd it becauſe he would not do him a Miſchief.

Mr. *Juſt. Dolben.* What is that to *Sir Thomas*'s Life?

Mr. *Ravenſcroft.* I cannot tell you by bare Aſſertion, but if you will hear what I have to ſay, do. Laſt night, late at night, about nine a Clock, *Barlow* came to me, ſays he, Mr. *Ravenſcroft*——

Mr. *Juſt. Dolben.* Come, don't tell us the Preamble, but the Story.

Mr. *Ravenſcroft.* Said he, I have a thing that ſticks upon my thoughts, which I doubt may endanger Sir *Thomas*'s Life.

Mr. *Juſt. Dolben.* Well, was it about taking Money?

Mr. *Ravenſcroft.* Said he, If I am ſilent I doubt it will coſt *Sir Thomas* his Life. Then I asked him what it was? Says he, Mr. *Mowbray*, who is a Witneſs in this Court, and I, did, juſt a little before his going away, combine, or rather he did feduce me——

*Mr. Juſt. Pemberton.* Was it about Money?

*Mr Ravenſcroft.* Money is in the Caſe.

*Mr. Juſt. Dolben.* He did conſpire, what to do?

*Mr. Ravenſcroft.* If you will hear me, I will tell you.

*Mr. Juſt. Jones.* Pray do it quickly then.

*Mr. Ravenſcroft.* Did combine to wrong Sir *Thomas* of a great Sum of Money; and whereas I held my tongue, thinking not to ſpill his Blood, I ſee now if I do not tell the truth, I ſhall make good his Credit, and ſo endanger Sir *Thomas*'s Life.

*Mr. Juſt. Dolben.* Well, I'le ask you, or any man alive now; Two Men combine to rob *Sir Thomas* whether one Man be a competent Witneſs againſt the Credit of the other Witneſs? He makes himſelf a Rogue by Combining, and you have made him a Knave by his own Confeſſion.

*Mr. Ravenſcroft.* I may perhaps err in that word; he did not ſay, *combine*, but the other ſeduced him.

*Mr. Juſt. Dolben.* You have told a Story to no purpoſe.

Mr. Juſt. *Pemberton.* You think it a fine thing to be a Catholick, and to appear brisk for them.

*Mr. Ravenſcroft.* Who ſays I am a Catholick?

Then *George Dixon* appeared.

*Sir Tho. Gaſcoyn.* What do you know of any Conſpiracy of theſe People againſt me?

*Dixon:* My Lord, I was at *William Batley*'s in *Auguſt* laſt in the morning at ten a Clock, and Mr. *Bolron* and Mr. *Mowbray* came in, and called for a Flaggon of Drink, and when it was brought, they fell into a Diſcourſe together concerning Sir *Thomas Gaſcoyn* and my Lady *Tempeſt*. Says Mr. *Mowbray*, I know nothing of Sir *Thomas* but that he is a very honeſt man.

*Mr. Serj. Maynard.* He was not bound to tell you what he knew.

Mr. Juſt. *Jones.* When was this, in *Auguſt* laſt?

*Dixon.* Yes; but, ſaid he, if I knew any thing againſt my Lady *Tempeſt* I would diſcover it, for I would hang her if I could. And they ſate down at Mr. *Batley*'s Houſe to conſult what they ſhould do.

Mr. Juſt. *Pemberton.* Before you?

*Dixon.* Yes, I heard every word.

Mr. Juſt. *Jones.* And what did they ſay?

*Dixon.* They ſaid they would meet at Mr. *Bolron*'s Houſe, and if they could compleat their buſineſs they ſhould be very well gratified.

Mr. Juſt. *Dolben.* Againſt whom?

*Dixon.* Againſt my Lady, and Sir *Thomas.*

Mr. Juſt. *Dolben.* But you ſay, *Mowbray* ſaid he knew nothing againſt Sir *Thomas Gaſcoyne*?

*Dixon.* No; he ſaid, he knew no hurt by them.

Mr. Juſt. *Dolben.* How come they to ſay they would contrive their Buſineſs?

Mr. *Mowbray.* What man is that, Mr. *Bolron*?

Mr. *Bolron.* I know him not, nor ever held any ſuch Diſcourſe.

Mr. *Mowbray.* Nor I.

Mr. Juſt. *Jones.* How far do you live off one from another?

*Dixon.* I live at *Leeds*, Mr. *Mowbray* knows me.

Mr. *Mowbray.* I don't know that ever I ſaw you.

*Dixon.* He hath drunk with me.

Mr.

Mr. *Mowbray*. I know him not, nor where he dwells.

Mr. Juſt *Dolben*. What Trade are you of?

*Dixon*. A Cloth-dreſſer by trade, but I keep a publick houſe.

Mr. Juſt. *Dolben*. This Diſcourſe was at *Leeds*, was it not?

*Dixon*. Yes.

Mr. Juſt. *Dolben*. They ſay both, they do not know you, nay they ſware it. And 'tis very like you were but very little acquainted, would they let you hear them talk thus?

*Dixon*. We were as well acquainted as can be, but that he will deny it.

Mr. *Att. Gen*. Pray what Religion are you of?

*Dixon*. A Proteſtant.

Mr. *Att. Gen*. How long have you been ſo?

*Dixon*. All the days of my life.

Mr. *Att. Gen*. I can't but wonder at the ſtrangeneſs of your Acquaintance.

Mr. *Mowbray*. My Lord, I have not drunk at that place which is near the old Church at *Leeds*, not this two years.

Then *William Batley* was called.

*Batley*. And if it like your Honour, theſe two Gent. Mr. *Bolron* and Mr. *Mowbray*, came to my houſe, and called for a pot of drink.

Mr. *Att. Gen*. Do you not know this man neither?

*Mr. Mowbray*. Yes, I do, but I was never three times in his Company in my life.

*Batley*. I filled them a Flaggon of Ale, and when I had done I left them. They began to diſcourſe of the Plot, and Sir *Tho. Gaſcoyne*; and *Mr. Bolron*.——

*Mr. Juſt. Dolben*. At your houſe, where is your houſe?

*Batley*. My houſe is near the old Church at *Leeds*.

*Mr. Juſt. Dolben*. Is that the ſame place the other man ſpeaks of?

*Batley*. Yes. Says *Mr. Bolron* to him, Thou knoweſt that Sir *Tho. Gaſcoyne* hath been very ſevere againſt thee and me, and now here is an opportunity offered us to take a Revenge upon Sir *Tho. Gaſcoyne*: *Mowbray* replyed again, As for Sir *Thomas*, he is a very honeſt man, and I know no hurt by him; but as to my Lady *Tempeſt*, if I knew any thing againſt her I would hang her, for I would diſcover it. But thou knoweſt, ſays *Bolron*, that Sir *Thomas* ſues and troubles me, and if I do not make ſomewhat out againſt him, he will ruine me, and it muſt be done by two Witneſſes. To which *Mr. Mowbray* anſwered again, How ſhall we bring this buſineſs about? If thou wilt but come to my houſe, ſaid he, I will put thee in a way to contrive it, and we ſhall have a conſiderable Reward. And *Mowbray* told him he would come to him ſuch a day.

*Mr. Juſt. Dolben*. Was that man that went out laſt, with you all the time they ſpake?

*Dixon*. Yes.

*Mr. Juſt. Dolben*. He does not ſay half ſo much as you do.

*Mr. Juſt. Pemberton*. Were you in the Room?

*Batley*. No, I was at the Stairs head.

*Mr. Juſt. Pemberton*. What did you ſtand there for?

*Batley*. I hearing them diſcourſing of Sir *Tho. Gaſcoyne*, hearked what they did ſay.

*Mr.*

*Mr. Juſt. Dolben.* The other Man ſaid he was in the Room with them; were you in the Room?

*Batley.* I ſtood upon the Stairs.

Mr. Juſt. *Jones.* Were you in their Company at all that day?

*Batley.* Yes, my Lord, I carried up a Flagon of Ale.

Mr. Juſt. *Jones.* Was the door left open?

*Batley.* Yes.

*Mr. Juſt. Dolben.* Would any Men talk in ſuch a place as this, that all the World may hear them, when they are contriving to take away a Man's Life?

Mr. Juſt. *Pemberton.* You were in the ſame Room, *Dixon*, were you not?

*Dixon.* They were at the Grice head, and we at the foot.

Mr. Juſt. *Jones.* But the other ſays, he was at the top of the Stairs, the head of the Stairs.

*Dixon.* We were at the Stairs foot, and they were in the Room.

*Batley.* The Table they ſate at, joined juſt upon the head of the Stairs.

Mr. Juſt. *Jones.* Did you hear them down to the Stairs foot?

*Dixon.* We did ſtand there to hear them diſcourſe.

Mr. Juſt. *Dolben.* Could you ſee them where you were?

*Dixon.* Yes, as fair as I ſee you.

Mr. Juſt. *Dolben.* Could they ſee you?

*Batley.* No, they could not.

*Dixon.* Yes, if they had looked down.

Mr. Juſt. *Dolben.* Why then I ask you, Do you think, if you ſtood in ſo open a place to be ſeen, and they had ſeen you, can you imagine that they would talk ſo about taking away *Sir Thomas Gaſcoine*'s life?

*Batley.* I do imagine they did not know I was there, nor believe any one heard or ſaw.

Mr. Juſt. *Pemberton.* Do you know how they came there?

*Batley.* They ſaid they came out of *Leeds*, and ſaid, one Mr. *Legat* was to come that way, who they were to ſpeak with.

Mr. Juſt. *Jones.* I ask you, if you were in the Room under them?

*Batley.* And if it like your Lordſhip, I ſtood at the Stair's foot.

Mr. Juſt. *Jones.* Juſt now you ſaid it was the Stairs head.

Mr. Juſt. *Pemberton.* Did you ſay any thing to them about this?

*Batley.* No, I did not open my Lips to them about it, but I told it to a Friend about three or four weeks after.

Mr. Juſt. *Jones.* To whom?

*Batley.* To a Neighbour of mine: I ſuppoſe it was told *Mr. Babbington.*

Mr. Juſt. *Dolben.* What ſay you, *Mr. Babbington*? how came you to know of this?

*Mr. Babbington.* When the Commiſſioners of *Oyer* and *Terminer* were ſitting at *Leeds*, there was one came and told me, *George Dixon* could afford me ſomething that would be very advantageous for the benefit of Sir *Thomas Gaſcoyn.*

*Mr. Juſt. Dolben.* Who was that Man?

*Mr. Babbington. Bennet Johnſon*, or *Francis Johnſon.*

Mr. *Juſt. Dolben.* Was that the Man you ſpoke to?

*Batley.* No, I ſpoke it to a Smith, one *Richard Loftus.*

*Mr. Babbington.* I'le tell you another Perſon I heard it from, that was Mr. *Bayliff* of *Leeds.*

*Mr. Juſt.*

*Mr. Juſt. Pemberton.* Well, was this the common diſcourſe of *Leeds*?

Mr. Juſt. *Dolben.* He ſays ſo. Was it then preſently?

*Mr. Babbington.* The Bayliff did not tell me ſo ſuddenly.

*Mr. Juſt. Dolben.* Would it not have been to your purpoſe to have brought the Bayliff here?

*Mr. Babbington.* It was after the Commiſſion of *Oyer* and *Terminer* that I had it from him, which was in *October.*

Mr. *Bolron.* In the time of *Auguſt* I was not at *Leeds*, I was in *Northumberland* ſearching for Prieſts, and in the Biſhoprick of *Durham*, all but a little of the firſt of it.

Then Mrs. *Jefferſon* was called.

*Mr. Juſt. Pemberton.* What do you ask her?

Sir *Tho. Gaſcoyne.* Pray be pleaſed to ſpeak to the Conſpiracy and Combination againſt me.

*Mr. Juſt. Jones.* Whoſe Combination? Come, Miſtris, what do you know?

*Jefferſon.* I asked Mr. *Mowbray* one time, what he knew concerning Sir *Thomas Gaſcoyne*? And he ſaid, he knew nothing, but Sir *Thomas* was a very honeſt Gentleman for what he knew, and the beſt Friend he had.

*Mr. Juſt. Jones.* Is that all you know?

*Jefferſon.* He thought he was wrongfully accuſed.

*Mr. Juſt. Pemberton.* When was this? was this after the time he was accuſed by *Bolron*?

*Jefferſon.* It may be it might be, I think it was in *Auguſt.*

Mr. *Juſt. Jones.* In *Auguſt* laſt?

*Jefferſon.* Yes.

*Mr. Juſt. Dolben.* But you muſt needs know (it was the talk of the Country) when Sir *Thomas Gaſcoyne* was ſent for up to Town; was it after that time?

*Jefferſon.* Yes, I think it was.

*Mr. Juſt. Jones.* Then you ſay, you heard *Mowbray* ſay that Sir *Tho. Gaſcoyne* was an honeſt Gentleman, and he could ſay nothing againſt him.

*Jefferſon.* Yes, ask him elſe.

Then *Matthias Higgringil* was called.

Mr. *Juſt. Dolben.* Was he one at the Meeting?

Mr. *Bolron.* He was at the ſealing the colluſive Conveyance.

*Mr. Juſt. Jones.* This *Higgringil* is a Proteſtant, is he not?

*Mr. Bolron.* I know not, I think ſo.

Mr. *Juſt. Dolben.* Come, Sir, what ſay you in this matter?

*Higgringil.* To whom?

Mr. *Juſt. Dolben.* What can you ſay to the Buſineſs about Sir *Tho. Gaſcoyne*?

*Sir Tho. Gaſcoyn.* Speak to the threatnings to take away my life.

*Higgringil.* I have nothing to ſay to *Bolron*; but *Mowbray* on 25 *Septemb.* laſt, being at an Alehouſe, Mr. *Legat* and he were together, conſulting how to diſgrace *Sir Thomas*, and take away his Life; and he calls me out

to ſpeak with me: Now, ſaid he, I ſhall match them, for they have done what they could to diſgrace me.

Mr. Juſt. *Jones.* How did he mean that?

*Higgringil.* I ſuppoſe he had taken away ſome Money and Gold, and they ſpoke of it, and that was to diſgrace him.

Mr. Juſt. *Dolben.* Was it charged upon him?

*Higgringil.* It was ſuſpected always he had taken it away.

Mr. Juſt. *Dolben.* But was there any ſuch thing talked of in the Country?

Mr. Juſt. *Jones.* What did he ſay to you?

*Higgringil.* He ſaid, they did what they could to diſgrace him, and take away his life, and he would requite them.

*Mr. Juſt. Pemberton.* Who they?

*Higgringil.* Sir *Thomas Gaſcoyne,* and my Lady *Tempeſt.*

Mr. Juſt. *Pemberton.* Why? did Sir *Thomas* indict him?

*Higgringil.* No; but the noiſe was about the Country.

Mr. Juſt. Dolben. When was this? in *September* laſt?

*Higgringil.* Yes.

Mr. Juſt. *Dolben.* What Profeſſion are you of, *Higgringil?*

*Higgringil.* An Husbandman, I graze, and I farm a Farm.

*Mr. Juſt. Dolben.* You know this man, do you not, *Mr. Mowbray?*

*Mr. Mowbray.* Yes; Sir *Thomas* employs him, he is a kind of Collector to him.

*Mr. Ravenſcroft.* He is no Papiſt.

Then *Francis Johnſon* appeared.

*Mr. Juſt. Dolben.* Well, come, what do you know?

*Johnſon.* He hath ſuſtained great Loſſes by him.

Mr. Juſt. *Dolben.* He! who?

*Johnſon.* Sir *Thomas Gaſcoyne.*

Mr. Juſt. *Dolben.* By whom?

*Johnſon.* By *Mr. Bolron.*

Mr. Juſt. *Dolben.* What Loſs hath he received?

*Johnſon.* The very firſt Month he entred, he wronged him of three pound.

*Mr. Juſt. Jones.* How do you know that?

*Johnſon.* I caſt up the Accompt my ſelf.

Mr. Juſt. *Jones.* But he kept him two years after that?

*Johnſon.* Yes, he did.

Mr. Juſt. *Jones.* Is this all you have to ſay?

*Johnſon.* Yes.

*Mr. Bolron.* My Lord, I loſt three Pounds the firſt three weeks, and Sir *Thomas* forgave me it; I don't deny it.

Mr. Juſt. *Dolben.* Do you know of any malice between them, and that he ſaid he would do him any miſchief?

*Johnſon.* No.

Then

Then *Mr. Pebles* Clerk of the Peace in the County of *York* was called.

Sir *Tho. Gaſcoyn.* I would deſire you to ſpeak of the Carriage of *Mr. Bolron* to you, Sir, what you know.

*Mr. Pebles.* My Lord, I was in *York* laſt Aſſizes, and *Mr. Bolron* came to me into a Room, where I was with ſome Gentlemen, and asked me how I did? and asked me if I did not know him? I told him I did not remember him; ſaid he, I am the the proſecutor againſt Sir *Tho. Gaſcoyne.* So when he was ſat down, after a little while, he deſired to diſcourſe with me, and asked me if a man was indicted as a Traytor whether it were fit to pay him Money? I owe, ſaid he, Sir *Tho. Gaſcoyne* Money, and I would know whether it be fit to pay it to him? ſaid I, I think you may ſafely pay him his Money before he be convicted, but then 'tis the King's in my opinion. Nay, ſaid *Bol.* he is ſure to be convicted. Then ſaid I, I think it not ſafe to pay it therefore I leave that to your own Diſcretion whether you will or no. A little after he deſired to have my Opinion concerning the two Judges that came our Circuit, for I am mightily abuſed by them, ſaid he, they will not at all give me Audience; I came from the King and Council, and they ſlight me, will not hear me ſpeak. Said I, I believe if you will go to them, they will hear you. I went to ſpeak with them, and they ſent ſome of their Servants out to know what I would ſay to them; but I have writ a Letter to them, to tell them my mind, but ſaid I, I can't believe, that any one will preſume to carry ſuch a Letter, but for that I will leave it to you. So I came away from him, and after he follows me out, and deſires to ſpeak with me again; ſaid he, I have ſomething againſt you concerning this buſineſs in hand, I can do you a prejudice if I will. Said I, God bleſs me, I know nothing of it, I do not at all intend to court your Favour, I have no mind at all to that. Said he, I will not do it; and he ſpoke as if he had no deſire to do it; I would not court him, but came away and left him; he followed me to the Street again, and ſaid, Will you help to apprehend a Traytor? who is it? ſaid I: It is a Gentlewoman, ſaid he, a Woman greatly concerned in the Plot, you may apprehend her in the Street, and 'tis the beſt time. Now the Street was full, and I thought it a little unſeaſonable: ſo he looked after me, but I never offered to go from him; but ſaid I, was ſhe in the Plot? yes, ſaid he, ſhe was to be the firſt Lady *Mayoreſs* of *York* after the Plot took effect, and the King was killed; but he did not lay hold upon her. So I parted with her, then ſaid he, I can have no reſpect; ſaid I, I have nothing to do with you, I am Clerk of the Peace of the *Weſt Riding* in this County, and am always ready to do my Duty there. So away I went and left him. The next news I heard, was, he had procured a Warrant of the Council againſt me, and he brings the Warrant to a Juſtice of Peace, and that Juſtice of Peace told him there would be ſeveral Juſtices of Peace at *Leeds* within two or three days after, and then they would examine the Buſineſs; I chanced to be in a Room with ſome Gentlemen, not knowing of the Warrant that was out againſt me, and this Gentleman that was the Juſtice of Peace called me into another Room, and told me of this buſineſs: admired at it, and told him I did know nothing of it, nor that I had diſobliged him, unleſs it was becauſe I did not give him the Compliment

ment and Ceremony of my Hat, nor give him Money, neither did I know what Information he had procured that Warrant upon. He told me Mr. *Mowbray* and *Mr. Bolron* were in Town. So I desired him to send for the other Justices into the Room, where he acquainted them with the matter, and said he, if you will, we will examine it to night; so they sent notice to *Mr. Mowbray* and *Mr. Bolron*, that they would examine the Business that night at 6 a clock, and they came, and he was asked what he had to say against me? He said, I had taken Money for keeping a Man from taking the Oath of Allegience, and they had Witnesses to prove it.——

*Mr. Serj. Maynard.* Must he be here admitted to make his own defence?

*Mr. Just. Dolben.* Brother, let him go on.

*Mr. Pebles.* The Witness was call'd upon, and they asked him to that point, and he denyed absolutely upon his Oath that he gave me any Money, and also swore he had taken the Oath when it was tendred to him. Then, my Lord, there was one *Mr. Dunford* an Attorney, was spoken of as if he could prove something, but he was 14 Miles off, and they could not send for him, and so I begg'd they would appoint another time for hearing when he could be there: they appointed *Munday* following, and ordered me to attend, and one of the Justices of the Peace undertook to give *Dunford* notice. Accordingly I came there, but there was no *Mr. Bolron*, nor *Mr. Mowbray*, but I desired that *Mr. Dunford* might be examined upon his Oath, and they did take his Information in writing, and he swore he knew nothing of it, neither did he ever give me Money upon any such accompt.

Mr. Just. *Dolben.* You were not by when it was sworn?

Mr. *Pebles.* I saw the Examination taken in Writing.

Mr. Just. *Pemberton.* And you were discharged?
Mr. *Pebles.* Yes, for he could not make out any thing at all.
Mr. Just. *Pemberton.* It was well for you he could not make it out.

M. *Pebles.* They said they could prove it, and vouched these two persons, but both denied it upon their Oaths.

Mr. Just. *Dolben.* Is that all you know?
*Mr. Pebles.* That is all I can say in particular; I have not a mind to speak against him in general, because he is the King's Evidence.

Mr. Just. *Dolben.* You can say nothing of his Repute?
Mr. Just. *Pemberton.* You were a stranger to him, you did not know him.
Sir *Tho. Gascoyn.* I desire he may speak what Reputation he hath among the Justices.
Mr. *Pebles.* I have no mind to reflect on the King's Evidence, and if I did, it would seem as if I should speak in malice: he hath done me wrong but I never did him any.
Mr. Just. *Jones.* But what is his Reputation generally?

*Mr.*

Mr. *Pebles.* Truly 'tis not very good in the Country.

Mr. *Juſt. Jones.* Among whom?

Mr. *Pebles.* The Grand Jury and the Gentlemen of the Country.

Mr. *Juſt. Jones.* Is it a Common Fame in the Country?

Mr. *Pebles.* Moſt people diſcourſe ill of him.

Mr. *Juſt. Dolben.* Did he ſay he did not ſpeak with the Judges?

Mr. *Bolron.* No my Lord I did nor.

Mr. *Juſt. Dolben.* You did ſpeak with us, indeed you would have had us allowed you a Guard for your ſafety, which we could not do.

Mr. *Bolron.* Whereas he ſays I gave in a wrong Information, this ſame *Hunt* when he came before them confeſſed he gave him 40 *s.* but he would not ſwear for what it was.

Mr. *Serg. Maynard.* 'Tis nothing to the purpoſe one thing or other that he hath ſaid.

Mr. *Juſt. Dolben.* 'Tis altogether uncertain; no body knows what to make of it.

*Then Hardwicke was called.*

Sr. *Tho. Gaſcoyne.* Do you ſpeak what Threats *Bolron* hath uſed to his Wife to ſwear againſt me.

*Hardwicke.* When the Purſivants came up to *Barmbow*, the Chief Conſtable ordered me to aſſiſt Mr. *Bolron* in Execution of the Warrant, and to carry the Witneſſes before a Juſtice. We went to *Robert Bolron*'s houſe to take the Witneſſes, and there was his Wife, his Brother, and his Siſter. We were to carry them before a Juſtice and they refuſed to go, his Wife pretended to be Sick and could not go, and they begg'd of us to excuſe them.

*Mr. Juſt. Dolben.* Who do you call they?

*Hardwicke.* His Wife, his Brother and his Siſter: *Bolron* told them they muſt go, and *William Backhouſe* and I ordered them by all means to go along with us, I ſuppoſe it was to Teſtifie what he had ſworn.

*Mr. Juſt. Jones.* What were they to do, did he tell them?

*Hardwicke.* They were to go to tell what his Teſtimony was above, as well as I underſtood the diſcourſe.

*Mr. Juſt. Dolben.* We have had two perſons to this purpoſe before. They ſay he would have his Wife go, and ſhe refuſed to go, and cryed; but they do neither of them ſay he preſſed her to ſpeak any thing more than ſhe knew or againſt her knowledge.

*Mr. Juſt. Pemberton.* No, one of the Witneſſes ſaid, he told her it was to ſpeak her knowledge.

*Then William Clow was Examined.*

*Mr. Juſt. Dolben.* Come what ſay you?

*Clow.* The 22*th.* of *May* laſt I had a Writ againſt *Bolron*, and my man Arreſted him and brought him to my houſe.

*Mr. Juſt. Dolben.* At whoſe ſuit?

*Clow.* At the ſuit of one *Hickringil* that was ſervant to Sir *Thomas*, and there I had him two days and would not carry him to the Gaol, for he begged of me I would not; but then I told him I would keep him no longer there, for he had no money for Lodging and Dyet; but he begged ſo hard of me, that I would but tarry till *Hickringill* came, and then he did not care what they did with him: for he would make Sir

*Thomas* pay *Hickringill* his Debt that he owed him, or he would play him ſuch a trick as he little dream'd of.

*Mr. Juſt. Dolben.* When was this?

*Clow.* The 21*th.* or 22*th.* of *May* laſt or thereabouts.

*Mr. Juſt. Dolben. May* laſt?

*Clow.* Yes. And ſo *Hickringill* came over, and they did agree, and he gave him a Leaſe of an houſe he lived in, and *Hickringill* took the Charge of both the Debts upon him.

*Then Hobart ſtood up.*

Sr. *Tho. Gaſcoyne.* Speak whether he pretended he writ a Letter to the Duke of *Monmoth* from *Leeds.*

*Mr. Hobart.* My Lord I have nothing to ſay to that.

*Mr. Juſt. Jones.* What can you ſay then?

*Mr. Hobart.* All I can ſay is to the ſummes of money returned to Town.

*Mr. Juſt. Dolben.* He did not mention that.

*Mr. Hobart.* If you pleaſe to let me declare what I know about the returning of the money.

*Mr. Juſt. Pemberton.* Pray ſpeak what you know of your own knowledge.

*Mr. Hobart.* For moſt of it I know of the payment of it, and to whom, 1800 *l.* there was paid to Mr. *Trumbal* about the purchaſe, it was paid at Mr. *Mawſon's*; I was a Witneſs to the Deed, and to the Receipt.

*Mr. Att. Gen.* That is ſome, but what to the reſt?

*Mr. Hobart.* 200 *l.* was payed to a Client of mine, 80 *l.* was paid to one widow *Cawſon* that was upon Bond.

*Mr. Juſt. Dolben.* How much was paid to Mr. *Corker*?

*Mr. Hobart.* Several ſums, above 300 *l.* paid to *Corker* in 6 years time.

*Mr. Juſt. Pemberton.* Nay in 4 years time.

*Mr. Hobart.* This 300 *l.* and 300 *l.* before I drew the Receipt for, and commonly he Ordered me when Mr. *Corker* came for it, that I ſhould have a Receipt from Mrs. *Mary Appleby*, and it came back ſigned by her, to whom Sir *Thomas* was Guardian.

*Mr. Juſt. Dolben.* And was all this money paid to *Corker* upon the account of this *Appleby*?

*Mr. Hobart.* It was mentioned in the Receipt.

*Mr. Juſt. Dolben.* How much was ſhe to have by the year?

*Mr. Hobart.* 100 *l.* by the year or two ſometimes.

*Mr. Juſt. Dolben.* How came ſhe to have 900 *l.* in 4 years?

*Mr. Hobart.* My Lord, I will tell you, for that there was a great Arrear upon a ſuit between Sir *Thomas* and Mr. *Appleby*, this Mrs. *Applebys* Father; and upon the hearing of the Cauſe my Lord Keeper *Bridgman* was pleaſed to order that this money ſhould be paid to *Sr. Thomas* for the uſe of the Daughters, 200 *l.* a year, that is 100 *l.* a piece. And there was an Arrear for 3 or 4 years during the Suit, about 2 or 300 *l.* it was: I drew Receipt for it, and *Sir Thomas* being preſſed for the money by Mrs. *Appleby* who went beyond ſea, he ſent to *Corker* to get the money returned to her.

*Mr. Juſt. Dolben.* Ay but you Dance about the Buſh, was there an Arrear of 500 *l.*

*Mr.*

*Mr. Hobart.* For 3 or 4 years, and Mrs. *Ravenſcroft* was one of the Siſters, her part was paid when ſhe was married, but this Gentlewomans was paid beyond ſea.

*Mr. Juſt. Dolben.* Was the Arrears from Sir *Thomas* to the Gentlewoman beyond ſea?

*Mr. Hobart.* Yes.

*Mr. Juſt. Dolben.* Are you ſure there was?

*Mr. Hobart.* Yes, *Sir Thomas* told me ſo.

*Mr. Juſt. Pemberton.* Who was to pay this mony?

*Mr. Hobart.* Mr. *Appleby* by order of my Lord Keeper.

*Mr. Juſtice Jones.* Sir *Thomas* was Guardian, was the Eſtate in *Yorkſhire*?

*Mr. Hobart.* It did ariſe out of Rents there.

*Then one* Culliford *was called.*

*Mr. Juſt. Dolben.* What ſay you? What do you know of this matter?

*Culliford.* This Gentleman Lodged at ſuch a time at my houſe, the 4*th.* of *June* 1677. he was at my houſe ſeven weeks, and he was gone 3 weeks, and returned again; he was 3 weeks away.

*Mr. Juſt. Jones.* What Gentleman was this?

*Culliford.* Mr. *Mowbray.*

*Mr. Juſt. Dolben.* What is that to the purpoſe?

*Mr. Juſt. Jones.* How do you apply that?

*Mr. Hobart.* Mr. *Mowbray* hath ſaid he ſent a Letter to the Duke of *Monmouth.*

*Mr. Juſt. Dolben.* There hath been no mention made of any ſuch thing. Have you any more Witneſſes?

*Mr. Hobart.* No.

*Mr. Juſt. Dolben.* Then ask Sir *Thomas* what he hath to ſay for himſelf.

*Mr. Hobart.* Have you any thing to ſay to the Court for your ſelf.

*Sir. Tho. Gaſcoyne.* No I referr my ſelf to the Judgement of the Court.

*Then a woman Witneſs appeared.*

*Sr. Tho. Gaſcoyne.* What do you know concerning *Mowbray*, whether he was ſuſpected of ſtealing when he was at my houſe?

*Witneſs.* Yes, he was, my Lord, he would have given me 5 *l.* to have gone away, and he did intend to have clapped me in Priſon, and laid it all upon me.

*Mr. Juſt. Dolben.* How do you know that?

*Witneſs.* He told me ſo.

*Mr. Mowbray.* This is a Common woman and not to be believed.

*Mr. Serg. Maynard.* My Lord, We will reply but one ſhort thing in mat er of Evidence. Much of this that hath been given by the Defendant hath been to take off the credit of the Witneſſes, and for *Bolron* they would ſuggeſt that he hath been diſhoneſt to Sir *Thomas*, but when Sir *Thomas* himſelf was examined to that point before the Council, he ſaid he found him honeſt, but only accounted him a Fool.

*Mr.*

Mr. *Juſt. Dolben.* That is proper for you to do now Brother.

Mr. *Serg. Maynard.* And Sir *Thomas* being examined about *Ruſhton*, he ſaid he did not know ſuch an one, and then afterwards he did ſay he knew one of that name. Here is Sir *John Nicholas* the Clerk of the Council. ( Who was ſworn. )

*Mr. Att. Gen.* Pray Sir, do you know what Sir *Thomas Gaſcoyne* ſaid at the Council Table.

*Sir John Nicholas.* He was asked whether he knew *Bolron*, he ſaid he knew him very well, he had been his ſervant till within this twelvemonth or ſomething more, but for his honeſty he had nothing to ſay to it, till of late that he had not behaved himſelf ſo well in giving Informations againſt him. But he did find him now what he did always take him to be, a Fool.

*Mr. Juſt. Dolben.* What did he ſay about *Ruſhton?*

*Sir John Nicholas.* At firſt he did ſay he did not know *Ruſhton* the Prieſt, but after it was brought to his memory he ſaid he knew one of that name.

*Mr. Att. Gen.* 'Tis taken down in the minutes, Sir *John* look upon them.

*Sir John Nicholas.* He denied at firſt that he knew *Ruſhton* the Prieſt, and afterwards the next time he came to the Council, he ſaid he did deny it, becauſe he was afraid of an old Law againſt Harbouring of Prieſts.

*Mr. Att. Gen.* If your Lordſhip pleaſe we will now trouble you with a Witneſs or two in anſwer to what *Backhouſe* and *Hardwicke* have ſaid as to *Bolron*'s threatning of his wife. We will call the wife to give you an accompt of that.

*Mr. Juſt. Dolben.* They do not charge him that they preſſed her to ſwear falſly.

*Mr. Juſt. Pemberton.* That does not at all touch upon the Witneſs.

*Mr. Att. Gen.* If the Court be ſatisfied we will trouble you with that no further.

*Mr. Juſt. Jones.* I believe *Backhouſe* did ſay, That this *Bolron* would have his wife go before the Juſtice of Peace, ſhe ſaid ſhe knew nothing at all, yet he would have her go and teſtifie her knowledge, and if ſhe would not, he would have her dragged at the Horſes tail.

*Mr. Att. Gen.* I think 'tis neceſſary to call a Witneſs or two to that. Firſt to call her herſelf. ( Then *Mrs. Bolron* was ſworn. )

*Mr. Att. Gen.* What did your husband threaten you to make you ſwear againſt Sir *Tho. Gaſcoyne?*

*Mr. Juſt. Dolben.* Now you are upon your Oath ſpeak the truth.

*Mrs. Bolron.* No, never in his life did he threaten me upon any ſuch accompt.

*Mr. Juſt. Dolben.* Do you remember when the Conſtable came down to have you go before Eſquire *Lowther?*

*Mrs. Bolron.* Yes, my Lord.

*Mr. Juſt. Dolben.* How chance you did not go with him?

*Mrs. Bolron.* I was unwilling to go then, becauſe I could ſay little to the purpoſe.

*Mr. Juſt. Dolben.* Did he uſe any threats to you to make you ſwear againſt Sir *Thomas?*

*Mrs.*

*Mrs. Bolron.* No my Lord, but he would have me go, whether I ſaid any thing or no.

Mr. *Juſt. Dolben.* Did he ever deſire you to ſpeak any thing you did not know?

Mrs. *Bolron.* No, my Lord, never in his life.

Mr. *Att. Gen.* My Lord, Mr. *Bolron* deſires to have this woman his Grand-mother be asked whether he threatned his wife? (And ſhe was ſworn.)

Mr. *Sol. Gen.* She was by at that time.

Mr. *Juſt. Dolben.* Were you by at that time when the Conſtable came to carry the witneſſes before Mr. *Lowther*?

Mrs. *Bolron Senior.* Yes.

Mr. *Juſt. Dolben.* Heark you, did not you ſee the Woman that went over there cry, and ſay ſhe was unwilling to go?

Mrs. *Bolron Sen.* Her husband ſaid ſhe ſhould go, tho' ſhe ſaid nothing.

Mr. *Juſtice Dolben.* But her husband did not preſs her to ſay any thing but what was truth?

Mrs. *Bolron Sen.* No indeed did he not.

Mr. *Juſt. Pemberton.* And did not ſeem to ſtick before.

Mr. *Attorney General.* What can you ſay to this honeſt man here your ſon?

Mr. *Juſt. Dolben.* I'le warrant ſhe will ſay he is honeſt ſtill.

Mr. *Att. Gen.* But here are a company of people would make him a diſhoneſt man.

Mrs. *Bolron Sen.* Sir *Thomas Gaſcoyne* ſaid he was as truthful a ſervant as ever he had in his life.

Mr. *Juſt. Dolben.* Did you hear him ſay ſo?

Mrs. *Bolron Sen.* I heard him ſay ſo in his own Chamber.

Mr. *Juſt. Dolben.* When?

Mrs. *Bolron Sen.* After he was married: And beſides Sir *Thomas* did ſay he would do any thing he could for him, in relation he had been a true ſervant to him.

Mr. *Juſt. Dolben.* Call Mr. *Phiſwicke* again. (Who appeared.) Look you Sir, you are a man that I ſee have been truſted by all the Family of the *Gaſcoynes*, and you know in what Reputation he was.

Mr. *Phiſwicke.* Sir, while I was his fellow-ſervant I knew no ill by him.

Mr. *Juſt. Dolben.* Was he accompted an honeſt man?

Mr. *Phiſwicke.* I can ſay nothing to the contrary.

Mr. *Serg. Maynard.* Then my Lord to conclude I deſire to ſpeak a word. On the one ſide here is an Ancient Gentlemans life in queſtion, and that or his death are to be the iſſue of this Cauſe; on the other ſide here is the diſcovery of a Plot upon which all our lives, our Religion, and the life of our King depend. It did require your patience, and you have yielded it. Where lyes the Queſtion? If theſe Witneſſes that have been Examined be believed, there is no Queſtion but he is highly Guilty of the Plot: the Witneſs tells you, When there was no talk of the Plot, there was a preparation of a falſe and fraudulent Conveyance to be drawn by advice of Counſel, and why was this made? leſt

he ſhould forfeit his Eſtate. This is proved in the beginning. You find next a meeting of the Prieſts, and there what they did, does not concern this Gentleman at the Bar till he took notice of it, and then joyned in it, and approved of it, and did declare it was a Worthy Plot, a meritorious Plot for the good of the Church, and at laſt particularly he would give 1000 *l.* to *Bolron* to deſtroy the King and murder him. The t'other Witneſs agrees with him, and what is ſaid againſt all this? They have called and examined I think 19 or 20 Witneſſes, three touching the threatning of his Wife, but that falls out to be nothing; two Ale-houſe-keepers that ſtood at the bottom of the Stairs and overheard their diſcourſe; but you have all heard how they contradicted one another, they had not agreed well enough together on their ſtory. All that the reſt do is meant thus, and ſo far they make ſomething of it, that there ſhould be a Debt due from this *Bolron* to this Gentleman, and ſo it were ſome contrivance as if he would do it by way of Revenge; it does fall out many times that men do quarrel, but this is a buſineſs of another Nature. They ſay that he ſhould threaten he would ſerve him a Trick, or there were ſome ſuch words; but under favour, the queſtion is of the truth of his teſtimony; now it is not likely, that they knew what his Teſtimony would be, and there is nothing againſt the other Witneſs that concurrs with him, but the fellows that were upon the ſtairs, that talk one of one part of the ſtairs and the other of the other. The matter is clearly whethe rthe witneſſes be to be believed, or whether there be any thing ſufficient offered to take off their Teſtimony. You will be pleaſed to obſerve as to what was ſpoken about the money and the Nunnery, we brought you a Letter from the Prieſt who was mentioned to be one of them at the meeting *Pracid*, that writes and dates his Letter from the place the Witneſs ſpeaks of, and there you will obſerve that in one of the Letters 'tis expreſſed *If England be converted*, (there is the main of the Plot) for all I ſuppoſe goes to that purpoſe, pray who thought of *England*'s Converſion at that time? What led them into that but a Conſciouſneſs of a deſign to convert *England*? My Lord, another piece of a Letter there is concerning the Oath of Allegiance, you have heard it read, and every body knows what the meaning of it is, it is the Engine of the Jeſuites that if they can but draw men off from their fidelity to the King, whereof there is no Teſtimony ſo great as the Oath of Allegiance, they need not uſe ſo much of Equivocation; but that is an abominable thing, and not to be endured to go take off the ſtrength of that Oath that hath been taken by men more honeſt than the reſt, and not ſuffering the reſt to take it at all: and it is a damnable thing that they ſhould aſſert the King is an Heretick, and the Pope has depoſed him, therefore it is meritorious to kill him: but you have heard the Evidence fully, and it needs no aggravation.

*Mr. Sol. Gen.* My Lord, I think the Evidence hath been already repeated by Mr. Serg. *Maynard*, and my Lord, I think there is nothing in this Caſe, but only the Credit of the Witneſſes, for if they be to be believed, there is an Evidence as full as can be. I know your Lordſhips obſerves how it is introduced, how they are fortified in ſome Circumſtances, which Sir *Thomas* did at firſt deny. They tell you that he had

had a pious intent to found a Nunnery, and did proceed ſo far as to make a ſettlement, this was denyed by Sir *Tho. Gaſcoyne*, but hath been verified, and made out by his own Books and Letters writ to him, which were found in his own Cuſtody. This did Sir *Thomas Gaſcoyne* do with an Expectation of a ſudden Change, for the Letters do declare, that *England* was to be converted as they called it, and therefore they had ſettled their matters in order, and they thought fit to inſert that Proviſo in the ſettlement, That if *England* ſhould be converted then, the money was to be diſpoſed ſo and ſo. But your Lordſhip likewiſe obſerves, and you, Gentlemen of the Jury, what other correſpondence Sir *T. Gaſcoyne* had with one *Cornwallis* or *Pracid* a Prieſt. He receives a Letter which ſhews you what the Principles of all the Catholicks are, how far they have proceeded to take away even the Oath of Allegiance, and the Conſequence of that how far it will go, when they think themſelves obliged in Conſcience to caſt off Fidelity to their Prince, and what miſchiefs may enſue no man knows, but we may in part imagine. You have already had ſufficient diſcovery to make out the uſe of this inſtilled Principle, and that is the deſign to kill the King, for this you hear what the Evidence ſay. Mr. *Bolron* one of them is ſent to the Prieſt to be inſtructed by him; and by him was chid for offering to go againſt their Principles to take the Oath, and told him he was damn'd for ſo doing. And preſently after he was Examined by Sir *Tho. Gaſcoyne* upon ſome diſcourſe with him what *Ruſhton* had ſaid, who had moved him likewiſe to kill the King as he ſays. Sir *Tho. Gaſcoyne* knew to what purpoſe he ſent him thither, not only to renounce the Oath of Allegiance, but to carry on the deſign which he had in hand, and did introduce by laying aſide the Oath, and tells him he muſt engage in the deſign to kill the King. He examines him what the other had ſpoke to him of, and he ſaid he knew it was more than bare chiding of him for taking the Oath of Allegiance, and he told him for his better encouragement to go on, that if he would undertake he ſhould have 1000 *l.* and this is the ſum of *Bolron*'s Evidence as to Sir *Tho. Gaſcoyne*. What then ſays *Mowbray* the ſecond Witneſs, he was ſo faithful a ſervant and ſo diligent, that he was imployed by *Ruſhton* the Confeſſor to attend him at the Altar, and be in ſervice immediate about him, and he being by that means ſo dear to him waited upon him in his Chamber, and was privy to all the Conſultations held there. And he gives you an accompt how long this Plot hath been in Agitation, for they had been diſcourſing a good while of it; and reſolved it ſhould be done if not by fair means, by foul, and tells you plainly by killing the King. And that he heard Sir *Thomas Gaſcoyne* himſelf declare that it was a meritorious Act to kill the King, and that as before he had the Oath of Secrecy given him by *Ruſhton*, ſo he did declare (which *Mowbray* ſtanding at the Door heard) that he would never ſwerve from the Oath, but he would aſſiſt to the utmoſt of his power, and they that were with him ſaid they would ſtand by it with their Lives and fortunes; and when my Lady *Tempeſt* underſtood he was there and was jealous of him, ſhe bid him go down and entertain the Gueſts below ſtairs. So here is an Evidence from two Witneſſes as full as can be in any Caſe, that Sir *Tho. Gaſcoyne* was privy to the Conſpiracy, and himſelf a partaker of

it

it to kill the King. All that hath been ſaid againſt them is to vilifie their Reputation. As to *Mowbray* I hear but little, only there are two Witneſſes that touch him, and indeed if theſe Wineſſes were to be believed, they ſay a great deal, that is, they were in an Alehouſe together and heard them conſpire to take away the Life of Sir *Tho. Gaſcoyne*. Indeed *Mowbray* ſaid, for Sir *Tho. Gaſcoyne* I know nothing but that he is a very honeſt Gentleman, but for my Lady *Tempeſt* if I could hang her I would. That they ſhould hear them contrive this together and conſpire how they ſhould take away the Lives of this Gentleman and the others. Indeed if theſe men ſay true 'tis a great matter to take off the credit of their Teſtimony, but you heard Gentlemen how they did vary: For the one ſaid as I apprehended at firſt he was in the Room, afterwards he was below ſtairs. Ask the one could you hear them? Yes, could you ſee them? No; ſaid the other, yes. So that they were not well provided as to that matter, nor had they conſulted that point well where they ſhould agree to ſtand to overhear the matter. Now if that be likely they ſhould in the preſence of two perſons whom they did not know, and one of them they never ſaw, but in the Court, declare and diſcourſe of ſuch a matter as this for the taking away the life of Sir *Thomas Gaſcoyne*, then we have nothing to ſay to them, we muſt leave the credit of that to you, you will obſerve their variety in the ſtory, and the improbability of the thing. But then for Mr. *Bolron* the Evidence againſt him is, that he is a very diſhoneſt man, and that this is all out of malice to Sir *Thomas Gaſcoyne*, becauſe he would ſue him upon his Bonds. You obſerve how he does behave himſelf under that proſecution, all that he hath he is willing to part with for payment of his Debt, he makes over his Eſtate for ſatisfaction and ſecurity, and does as much as an honeſt man can do: all he hath ſhall lie at ſtake, and as for Sir *Thomas Gaſcoyne* himſelf he had no ſuch Opinion of him in point of diſhoneſty, for he declared he lived in his ſervice without exception, and ſaid before the Council he knew nothing of diſhoneſty by him, but only this Information, and now he found him to be (what he always thought) a great fool. Now whether he thought him a fool for telling this ſtory or what elſe, you may explain the meaning of his Expreſſion. But as for any thing of diſhoneſty there is nothing againſt Mr. *Bolron*. He was in Debt 'tis true, but what he had lay at ſtake for the payment of it, and as far as it would go Sir *Thomas* might take it; but that for malice he ſhould come to ſwear againſt him, there is nothing clearly made out. One Witneſs ſays indeed, that he ſhould ſay, Does Sir *Thomas Gaſcoyne* intend to ſue me, then I will do what I did not intend to; do whether that be a ſpeech of malice or no, or rather does confirm the truth of his Evidence, is left to your Conſideration. It ſhews rather there was ſomething that he had in his power to do before any proſecution from Sir *Tho. Gaſcoyne*, or any occaſion of his malice againſt him: It hath not the neceſſary import of a malicious ſpeech, that he did intend not to do ſuch a thing, and becauſe he was ſued did do it; that therefore is only malice and no truth. For the other matter that is ſaid againſt him, that he ſhould endeavour to ſuborn his Wife to ſwear falſly, that was by no means fully proved; but rather that matter hath been ſufficiently cleared, that though ſhe ſaid ſhe knew nothing, yet he

would

would have her go, though ſhe ſaid nothing, and you hear what the Evidence hath been for Mr. *Bolron*, that he never did preſs her to ſwear falſly, nor threaten her if ſhe would not, but only deſired her to declare her knowledge if ſhe knew any thing, the truth and nothing but the truth. Theſe are all the Objections made againſt the credit of the Witneſſes, and I think if their credit do ſtand you cannot have a clearer Evidence to convict any one than hath been given you to day, but that we leave to you; and ſubmit theſe Objections whether they have any weight in them, and whether they have not been fully anſwered.

Mr. *Serg. Maynard.* And our Evidence is given in all upon Oath, and their's is not.

Mr. *Juſt. Jones.* Gentlemen you of the Jury, the Priſoner at the Bar ſtands indicted for High Treaſon, and for High Treaſon of the higheſt nature, for Conſpiring to take away the Life of the King, and for endeavouring to Change the Religion, the Proteſtant Religion into Popery, that is, contriving to Extirpate the Religion of Proteſtantiſm here, and introduce Popery inſtead of it, and certainly greater Crimes than theſe no man can be accuſed of. There have been produced on the behalf of the King two Witneſſes Mr. *Bolron*, and Mr. *Mowbray*, both of them ſervants to Sir *Thomas Gaſcoyne* the Priſoner, and therefore might very poſſibly and probably enough be privy to all they have ſaid, and teſtified in this caſe. It does appear by them both, that Sir *Thomas Gaſcoyne* was a very early man in the Plot (if they ſay true) We heard nothing of it till the long Vacation (78) but it ſeems Sir *Thomas Gaſcoyne* was a Plotter and Conſpirator in the year (75) or (76) And that he might be able to do this ſomewhat more ſafely, he contrives how he might convey away his Eſtate to prevent the forfeiture, and he makes an Aſſurance of it to Sir *William Ingleby* colourably as the Witneſſes ſwear for 1000 *l.* And it does appear likewiſe as to the Introduction of the Popiſh Religion here, they began to ſettle a Nunnery, and it was fit to do ſo againſt *England* ſhould be converted: Firſt in ſuch a place, but if it happened *England* were converted, then to be removed to another place. There was at this Nunnery appointed an Abbeſs, an aſſiſtant and ſeveral Nuns, and Sir *Thomas Gaſcoyne* ſo well knew of this, that one of them that was appointed to be a Nun at the time of her taking Horſe, he ſaid to her, there goes an old maid and a young Nun. And there are Letters come from that very Nunnery and from the Prieſt that was appointed to attend them as Confeſſor, which have been read to you; and there is another preparation thought neceſſary to introduce this Plot, and that is, that all Papiſts might be ſeduced into an Opinion that it was a dangerous thing to take the Oath of Allegiance, and that it was a damnable ſin. For this purpoſe Letters came from the Doctors at *Sorbonne*, and they determine it to be ſo, leſt any man of that Religion ſhould be ſo good a Subject as to profeſs Obedience to the King in Temporals. Then the Plot goes on between Sir *Miles Stapleton*, Sir *Francis Hungate*, Sir *Charles Vavaſor*, Sir *Thomas Gaſcoyne*, Mr. *Gaſcoyne*, *Middleton*, *Ruſhton*, my Lady *Tempeſt*, and a great Company more, all met together and conſulting in Sir *Thomas Gaſcoyne*'s houſe in his great Room, his old Dining Room to this purpoſe, not only to bring in their Religion but kill the King expreſly (ſo ſays

the Witneſs ) I think they had often talked of it before the Witneſs in the Prieſts Chamber, for he being then a Papiſt was privy to his Maſters deſign and the reſt of the Confederates for killing the King, which was the only thing they deſired to effect, as the beſt way to bring in their Religion: and there was great reaſon to do it they ſaid too; for the King had not kept his word with them when he was in his Exile, for they ſaid he had promiſed if he was reſtored to his Kingdoms he would reſtore the Popiſh Religion, but now he was returned and had broke his promiſe; and nothing more was to be done, the Pope having declared him an Heretick, but to deſtroy him, and this was that which was agreed among them. The 30*th.* of *May* laſt after diverſe other Conſults had about it the Prieſt *Ruſhton* being at Sir *Thomas Gaſcoynes* houſe, *Bolron* is deſired to go into the Gallery, and there preſently comes in *Ruſhton* Sir *Thomas's* Prieſt, *Bolron* acquaints him that he had been at the Seſſions and taken the Oath of Allegiance; aſſoon as ever he heard it, he cries out he had committed a damnable ſin, he muſt of neceſſity renounce it, and repent of it; and he could give him a Pardon, for he had an extraordinary power, more authority than others, he could give him Abſolution if he did repent of it, and that no Catholick muſt by any means take the Oath. A while after they had a diſcourſe concerning killing the King; and the Witneſs ſays indeed he was not actually in the Room, for he ſays he ſtood at the door, and heard all the diſcourſe, till at laſt the Lady *Tempeſt* one of the Conſpirators taking notice of his being there, ſent him down Stairs.

Mr. *Juſt. Pemberton.* That is *Mowbray.*

Mr. *Mowbray.* I was called into the Room and then ſent down.

Mr. *Juſt. Jones.* 'Tis true Brother that was *Mowbray*, but as to *Bolron's* diſcourſe with *Ruſhton*, when Sir *Thomas Gaſcoyne* who was not in the houſe at the time *Bolron* was with *Ruſhton*, but had given a Charge he ſhould not go before he ſpoke with him; when he did come home and ſpoke with him, he takes upon him to go on with the diſcourſe concerning the Plot, and he ſwears poſitively that he offered he would give him 1000 *l.* and this he ſwears he ſhould have paid him in *London.* This is expreſly the Teſtimony of *Bolron.* Now what ſays *Mowbray?* He tells you, though that is but introduction to make his Evidence more probable, that there was great reſort of Prieſts to the Priſoners houſe. He tells you of the diſcourſe and conſultation the Prieſts had in the houſe, and that it was expreſly and preciſely for killing the King. He tells you that he did ſtand at the Door and heard it as I obſerved before, and he tells you too which hath not been obſerved that at that time there was produced a Liſt of 4 or 500 Perſons that had engaged in the deſign of killing the King, he did ſee the Liſt; he did ſee Sir *Thomas Gaſcoynes* hand which he very well knew and was acquainted with, and which might very well be, being his ſervant: So that here is not only a diſcourſe and agreement by parol that he ſhould be in the Conſpiracy, but if you believe him, he ſays, that here is actually the hand of Sir *Thomas* to the engagement to do the Villany, and truly they that were of that perſwaſion at that time might eaſily be induced to it. For it was agreed amongſt them, that they ſhould have a plenary

Indulgence

Indulgence of 10000 years, and it was a meritorious Act, and though Sir *Thomas* perhaps was not ſo ready to contribute in all things, yet hearing of the meritoriouſneſs of the act, and withal that he ſhould be canonized for a Saint for this piece of piety, he certainly might readily conſent to it. Mr. *Mowbray* indeed was asked, why he did not diſcover it ſooner? he tells you why, he was in fear of the Papiſts, he was threatned, and very like he might be poſſeſſed with fear, and ſo might a man of greater Conſtancy till the buſineſs was diſcovered, and therefore he did not talk of it in the Country, but came up here where it was more ſafe to diſcover it, and hath been here ever ſince: Beſides this Teſtimony of theſe Witneſſes, Gentlemen, there are ſome Papers produced; ſome that mention money that hath been conveyed by Sir *Thomas Gaſcoyne* in confirmation of the Teſtimony of *Bolron* the firſt Witneſs, who does ſwear that he heard Sir *Thomas* ſay he would ſend 3000 *l.* to the *Jeſuites* to go on and proſecute this Plot; and afterwards he did hear him ſay he had ſent the 3000 *l.* that he had promiſed. Now it does appear by Sir *Thomas*'s Almanack that he had ſent ſeveral ſums, his Receiver *Phiſwick* did ſpeak of 6000 *l.* and he himſelf did give a touch towards it. Indeed *Phiſwick* was a Receiver for Sir *Thomas*, and likewiſe for his ſon and for the Lady *Tempeſt*, but it is impoſſible if they had ſent all the money that ever they had, and conſidering too that the Lady *Tempeſt* as appears by the witneſſes lived in the Country, that it could have amounted to near that ſum of money, for ſhe had but 300 *l.* a year, and the eldeſt Son had but 400 *l.* a year, how then could 6000 *l.* be returned for them in 4 years time. 'Tis true there is ſome anſwer given as to that 900 *l.* by that witneſs *Hobart*, who ſays there was a ſuit, and 100 *l.* a year decreed to be paid to Mrs. *Appleby* Sir *Thomas*'s Niece for ſo many years, and he to take care of ſending that to her, and though that was but 100 *l.* a year, yet there was a Decree or ſome Order to pay the Arrears with the other money which made it up 900 *l.*

The Evidence for the King againſt the Priſoner is but two Witneſſes, but they as poſitive and expreſs as poſſibly can be. What then is ſaid by the Priſoner or the Witneſſes in his defence? There is one that is *Shippon* that gives ſome Teſtimony againſt the very Evidence and the poſſibility of it to be true in one part of it; for *Bolron* he tells you that the 30*th.* of *May* was the time, when there was that Conſult held at Sir *Thomas Gaſcoynes* in the Gallery with the Prieſt, that he ſtaid there till night, and that then Sir *Thomas* talked with him and made this proffer to him for the murder and deſtruction of the King. Here comes a Witneſs *Shippon* and tells you that that very 30*th.* of *May Bolron* was at his houſe at 2 a Clock and ſtaid an hour or two after Sunſet; if that were true that he were there all that time, it is not then true that he ſpeaks of about Sir *Thomas Gaſcoyne*, and it was impoſſible that he ſhould be at the Conſult at that time when he ſays he was there, and afterwards ſpoke to Sir *Thomas Gaſcoyne*. Now Gentlemen you have the Kings Witneſs upon his Oath, he that Teſtifies againſt him is barely upon his word, and he is a Papiſt too, for that he was asked, and he did confeſs himſelf ſo. I do not ſay that

a Papiſt is no Witneſs, a Papiſt is a Witneſs, and he is a Witneſs in a Papiſt Cauſe, and for a Papiſt; but I muſt tell you, there is leſs credit to be given to a Papiſt in a Cauſe of this nature, who eaſily can believe they may have Indulgences and Pardons enough for ſaving one from the Gallows who is to be Canonized for a Saint if the Plot take effect. He hath only affirmed it who is a Papiſt, the other who is a Proteſtant ſwears what his Evidence is.

Mr. *Babbington* who was the firſt Witneſs examined for the Priſoner, he tells you there had been ſome debates and differences about Rent and money that was owing by *Bolron* to the Priſoner. He laboured and interceded often on his behalf, but at length not being able to prevail that he ſhould not be ſued; the Witneſs ſwears, I will then do that which I did not intend to do. What he meant by it is doubtful, and it is an ambiguous Speech, but to interpret it that he would ſwear falſly to take away a mans life, and ſo commit both Murder and Perjury, is hard to infer and conclude from ſuch doubtful Words. There are ſome Witneſſes that tell you, that is, *Moor*, and others, that *Bolron* did ſay and ſwear that Sir *Tho. Gaſcoyne* was never concerned in the Plot: that might very well be, eſpecially if you take the time when he did ſay this, he was a Papiſt a great while after Sir *Thomas* had ingaged himſelf in the Plot, and while he was ſo, it is not unlike he would venture an Oath to ſave any of the ſame Perſwaſion and Religion he himſelf was of. But whatſoever he ſaid it was not Judicially, he was not bound to diſcover to him he ſpoke to, he is now upon his Oath, and you have heard what an expreſs teſtimony he gives. As to what is ſaid concerning his Wife, that he ſhould endeavour to perſwade her contrary to her knowledge to give teſtimony againſt Sir *Tho. Gaſcoyne*, and therefore he is not to be believed here upon his own Oath, who would have his Wife forſwear herſelf to fortifie him: There is no ſuch thing, and it does appear by the Evidence of thoſe that are ſworn, that he was earneſt, and would have his Wife go and teſtifie her knowledge, but did not infuſe or intimate any thing to her ſhe ſhould ſay, whether ſhe did know it or no: and to aſſure you that, you have the Oath of the Woman herſelf, who hath been preſent here, and tells you the ſame thing. *Dixon* he comes and ſays, in *Auguſt* laſt, *Mowbray* ſaid he knew nothing of the Priſoner, which may be anſwered by his fear; but concerning the two Witneſſes that Mr. *Sollicitor* did take notice of, he did tell you, and 'tis plain, how very improbable it was two perſons ſhould ſpeak in the preſence of ſtrangers, and tell them they were about to take away the life of another perſon, the one of the Lady *Tempeſt* who had done him a diſpleaſure, the other of Sir *Tho. Gaſcoyne*, but *Mowbray* at that time ſaid he knew nothing of Sir *Tho. Gaſcoyne*; but Gentlemen, beſides what was ſaid before, this is improbable any ſuch thing ſhould be, and you hear the Witneſſes, at leaſt one of them, that he never knew one of the two.

Mr. *Bolron*. I knew neither of them.

Mr. *Juſt. Jones*. I ſhould be very loth to omit any thing on the Witneſſes ſide, or that hath been materially teſtified againſt them on the Priſoners. I did not conceive the Evidence given by Mr. *Pebles* to come to any thing at all. There was a diſcourſe between *Bolron* and him

him at laſt Aſſizes, after ſome talk *Bolron* tells him he had ſomething to ſay to him, and what was it, *Bolron* was told that he had charged ſome perſons that he ought not to do, (excuſed them for money that did not take the Oath of Allegiance as they ought to have done) and it ſeems he did it hear, and ſo far he went as to bring Witneſſes before the Juſtices of Peace to prove it. And although they did not give Evidence againſt Mr. *Pebles* in that very particular, yet certainly he thought they would have ſaid ſomething, but that does not argue at all, that becauſe he did accuſe Mr. *Pebles* (as he thought juſtly in that particular) therefore that now he ſhould falſly accuſe Sir *Thomas* in a matter that concerns his Life ſo highly. There are ſome other things that were ſaid by the Witneſſes that would tend towards the proving of ſome malice in the Witneſſes towards Sir *Thomas Gaſcoyne*, and therefore they give in this Evidence: One thing indeed was ſpoken by *Hickringill*, that is, it was generally reported in the Country that *Mowbray* had taken away money from Sir *Thomas Gaſcoyne*, and that *Mowbray* himſelf ſaid, that as they had endeavoured to take away his Fame and Life, now he had found an Opportunity to requite them. So ſaith the Witneſs, but 'tis not very probable. I leave it with you upon the credit of the Witneſſes for the King, who have ſworn it upon their Oaths, and the others that go upon their Words, and not their Oaths, whether they have taken away the force and ſtrength of the Kings Evidence which is as full, expreſs and poſitive as can be by two Witneſſes.

Gentlemen, here is on the one ſide the life of an ancient Gentleman before you, on the other ſide there is a Conſpiracy againſt the Life of the King, who is the breath of our Noſtrils, and whom God long preſerve. I know you being upon your Oaths will take into your Conſiderations both, and give a Verdict according to the Evidence you have heard.

Mr. *Juſt. Dolben.* I will tell you Gentlemen, I cannot forbear ſaying one thing to you. There is ſome Evidence that makes it a very improbable thing to be true what Mr. *Bolron* hath ſaid, and yet Mr. *Bolron* having ſaid it ſo poſitively, and *Mowbray* agreeing with it, probabilities muſt give way to poſitive proofs. I ſaw you did obſerve it when it was mentioned, and 'tis true, to me it ſeems improbable that at the very ſame time that Sir *Thomas Gaſcoyne* ſhould ſue him upon his Bond, and take a Courſe to turn him out of his houſe, that he ſhould then be privy to ſuch a Conſpiracy; 'tis improbable either that Sir *Thomas* ſhould offer him ſuch a ſum of money to kill the King, or if he had, that he ſhould afterwards take that Courſe at Law againſt him. Now for that I ſay this to you, you are to give a Verdict according to your Evidence. They have ſuch ſecret Contrivances amongſt themſelves (and he was a Papiſt at that time) that where there are two men that poſitively tell you a thing that lies within their own knowledge, and ſwear it is true, it is ſcarce any improbability that ſhould weigh againſt ſuch an Evidence.

Mr. *Juſt. Pemberton.* And Gentlemen conſider withal as to that, for truly my Brother *Dolben* hath rightly minded you of that improbability, for it was no more: but then you muſt conſider all the Circumſtances. 'Tis indeed at the firſt bluſh improbable that a man would communicate ſo

great a ſecret to another, if he did intend to ſue him for money he owed him, but then 'tis likewiſe as improbable that he would provoke him by a ſuit if his life were in his hand; but conſider the delivering of the Leaſe of Ejectment, and thoſe things were the 13*th.* of *June.*

Mr. *Babbington.* But I had ſued him before, my Lord.

Mr. *Juſt. Dolben.* The 2 of *June* he ſays.

*Mr. Babbington.* I had direction long before I did it.

*Mr. Juſt. Pemberton* They threatned him the 2, but they did not do it. But look you Gentlemen conſider this, I do not doubt but Sir *Thomas Gaſcoyne* was ſure that this man durſt not diſcover any thing of this, for they had given him the Sacrament and an Oath of ſecrecy, which they look upon as a tye among themſelves as long as they continue in that Religion, not upon any accompt whatſoever to be undone, and they have ſuch Confidence in it that they will truſt their Lives and every thing in a man's hand when they have given him that Oath. Alas how could theſe people have the Confidence to Plot one with another as they do, when they know their lives are in the hands of any one of all the reſt, but upon this Accompt? Do but ſwear them unto ſecrecy and give them the Sacrament of the *Maſs* upon it, and then they think ſuch a one is proof enough againſt any thing in the world, for that is damnation if they break it, as their Prieſts tell them, but I doubt not but Sir *Thomas* thought he had them as faſt as can be upon that Lock. But as to Sir *Thomas*'s Evidence of thoſe 2 men at *Leeds*, this is after the accuſation of Sir *Thomas* that they ſpeak of, and can any man alive believe that they would go and Plot to contrive the death of theſe 2 perſons in the face of 2 ſtrangers, after he was accuſed? 'Tis ſo ſtrange an Evidence that no man alive can believe it to be truth. Look you Gentlemen, Perſons that go to contrive ſuch things as theſe are, go in ſecret, and hope they ſhould never be diſcovered; but by one of themſelves. Who would contrive when two be by, and if they ſay true might ſee them as well as hear them, though they did contradict one another in their Evidence, the one ſaid he was above, the other ſaid he was below, the one ſaid he might ſee them, the other not. Look you Gentlemen I do ſee that they do lay ſome ſtreſs upon this, that he was his Debtor, for that they ſeem to prove by their Witneſſes, but you muſt lay no great ſtreſs upon that at all, for the money were not quit if Sir *Tho.* were found Guilty, the money is due to the King then, He ſaves nothing by it, his mony muſt be paid let the Priſoner be found Guilty, or not Guilty, 'tis all one to him. You muſt conſider this Caſe, Gentlemen, If you believe theſe men are perjured men, and have gone and contrived a malicious deſign againſt a mans Life; then God forbid they ſhould be believed any way, but it is a poſitive Evidence and 'tis not an Evidence barely of it ſelf, but introduced by a great many Circumſtances that went before, They tell you the whole affair, that it does ſeem they have been privy to the affairs of theſe *Jeſuites* all along, and Sir *Thomas Gaſcoynes* houſe hath it ſeems abounded with them, he hath been very beneficial to that ſort of people, mighty Charitable as they call it in Superſtition, and you muſt conſider that nothing can ſeem ſtrange to them that will be ridden by Prieſts, they put them upon all the immoralities and villanies that can be found out for the Cauſe of Religion

Religion as they call it ; nothing can ſeem ſtrange that is Teſtified againſt them. Therefore I muſt leave it to you upon what you have heard and upon their credit whether you believe the Witneſſes or not.

*Mr. Juſt. Jones.* Ay, 'tis left upon their credit that are your own Country-men, better known to you than us.

Mr. *Juſt. Dolben.* Look you Sir *Thomas Hodgſon*, and the Gentlemen of the Jury, if you will come in again in any time we will ſtay in Court, otherwiſe you muſt lie by it all night, for we can take no Privy Verdict in this Caſe.

Mr. *Juſt. Pemberton.* Ay, we will ſtay, and hear Motions a little while.

Then the Jury withdrew from the Bar, and after half an hour returned again, and being called over gave in their Verdict thus.

*Cl.* of *Cr.* Sir *Thomas Gaſcoyne* hold up thy hand. Look upon the priſoner ; How ſay you, is he Guilty of the High Treaſon whereof he ſtands indicted, or not Guilty?

*Foreman.* Not Guilty.

*Cl.* of *Cr.* Did he fly for it?

*Foreman.* Not that we know of.

*Then the Verdict was recorded and the Court roſe.*

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*FINIS.*